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THE
C H A R T E R

WITH ITS

AMENDMENTS

AND THE

Revised By-Laws

OF THE

CITY OF MIDDLETOWN,

TOGETHER WITH

SUCH OTHER LAWS OF THE STATE AS RELATE TO CITIES.

COMPILED AND PUBLISHED BY AUTHORITY OF THE CITY GOVERNMENT.

Middletown :
PRESS OF WILLIAM J. STARR.
1857.

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STATE ACTS,

ARRANGED IN THE ORDER OF THEIR DATES.

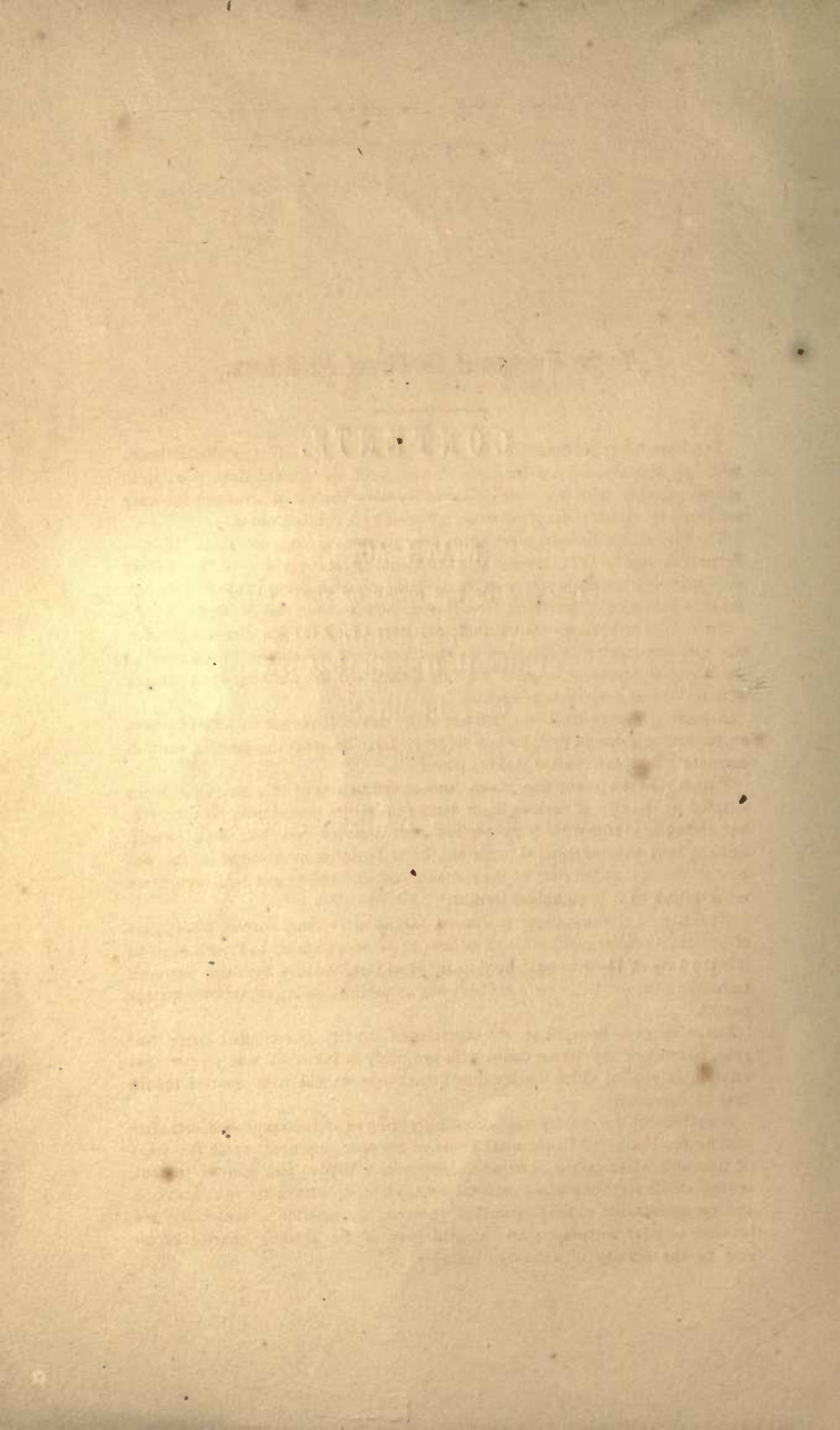
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To the Freemen of the City of Middletown.

You have herewith presented to you the Charter of the City of Middletown, with the Amendments and Additions thereto, and the Public Acts relating to cities, together with the entire code of By-laws, the whole arranged for easy reference by suitable marginal notes followed by a copious index.

The City of Middletown received its first charter as early as A. D. 1784.—From that time to 1821, several acts additional or amendatory to the charter were passed, when the whole were revised, the revision being made alike applicable to the cities of Hartford, New Haven, New London and Middletown.

From 1821 to 1856, several amendments were made to the revised charter, the most important of which were the substitution of a Recorder in the place of the Mayor as presiding judge of the City Court, and the clothing of the Mayor with additional executive powers.

A leading feature in all city charters is the power conferred to enact by-laws on particular subjects, which when properly done, have all the force of statutes emanating from the charter making power.

Pursuant to the power thus given, laws or ordinances of this character were enacted by the city at various times during the entire period from 1784 to 1856, but during that period no very perfect, well digested code had been formed, Such by laws as were enacted, were published doubtless as required in the papers of the city, at the time of their enactment, and one or more attempts were made to put them in pamphlet form.

Under these circumstances, it was not easy to arrive at a correct knowledge of our municipal regulations, and as laws to be obeyed must be known, and as it is the duty of those in authority to afford all reasonable facilities for such knowledge, the necessity for a revision and republication in proper form was apparent.

The subject was brought to the attention of the city government early last year, but before any action could with propriety be taken, it was proper that existing defects, of which it was evident there were several in the charter, should first be corrected.

A revision of the charter was accordingly ordered and accomplished, and after passing the Municipal Board was submitted for your approval, which for want of time and other causes, it failed to receive as a whole, but instead thereof, several of its more important sections were adopted, with some modifications, and on application to the Legislature received the sanction of that body, and became on your acceptance, an integral part of the existing charter of the city on the 4th day of January, last—

INTRODUCTION.

The present Common Council, soon after entering upon their duties, resumed the work which their predecessors had commenced, and early in the season directed the collation of the charter and its amendments together with the public acts relating to cities in a suitable form for publication. They also directed the revision of the entire code of by-laws.

The by-laws thus revised, after receiving the approval of the Common Council, received also your approval, and were thus duly enacted on the 13th day of October last. In comparing them with the by-laws previously in force, it will be seen that several of the latter have been omitted as useless; others have been amended or altered, and several new ones have been added to meet the increased wants of the city. In making the revision it was the aim to include only such provisions, as were calculated to promote the best good of those who were to come under their influence.

The code as a whole, is not claimed to be perfect, but is believed to be an improvement on the one for which it has been substituted. The acts and proceedings of the City Corporation and its Officers, in order to be creditable and effective, must be in accordance with the powers possessed under the charter and the rules or ordinances established under its authority, and it should not be forgotten that however good and wholesome the regulations adopted may be, their qualities in this respect will be of no avail unless understood and enforced.—The present publication will bring them to the knowledge of all disposed to become acquainted with them, and it is to be hoped that such an increase of interest in whatever pertains to the welfare and prosperity of the city will hereafter be manifested as will ensure their enforcement.

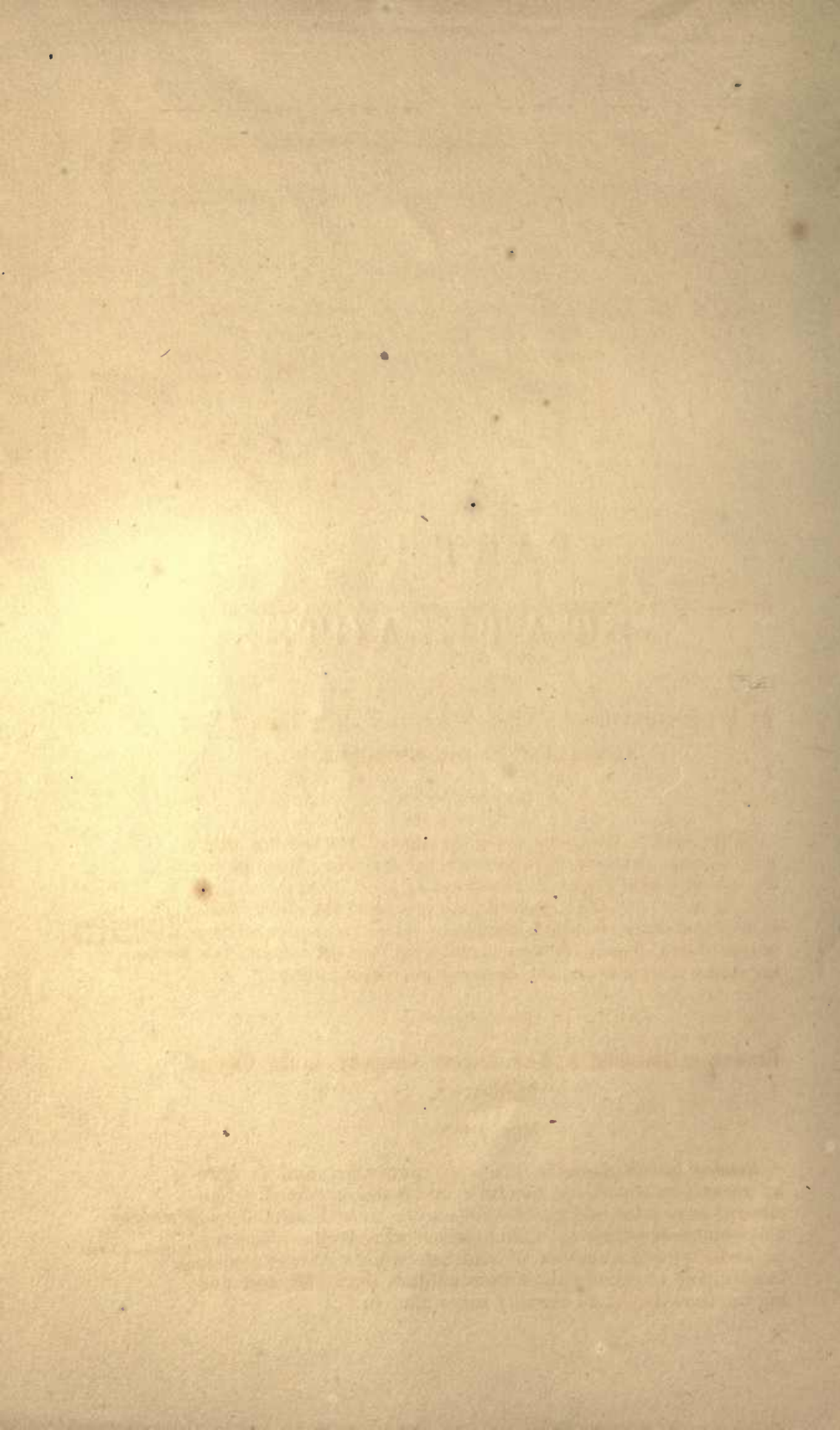
The concluding by-law repeals all previous by-laws, so that no occasion can exist for exploring records for laws of that character, which may have been enacted at any previous time.

By order of the Common Council,

EDWIN F. JOHNSON, Mayor.

CITY OF MIDDLETOWN, December 18th, 1857.

STATE ACTS.



PART I.

SPECIAL ACTS OR THOSE ACTS AND PORTIONS OF ACTS WHICH RELATE
PARTICULARLY TO THE CITY OF MIDDLETOWN.

An Act incorporating the Cities of Hartford, New Haven, New
London, Norwich, and Middletown.

May, 1784.

[This Act has been superseded by that of 1821 or has otherwise become obsolete, with the exception of one clause in Sec. 36, which is still in force,] as follows :

* * * * * Such record [the record of the clerk's being chosen and sworn,] may be made by clerks hereafter chosen, ^{Clerk may make record of his} of their being chosen and sworn, and shall be good and effectual, ^{election.} exceeding twenty any thing in this act to the contrary notwithstanding.

Resolve establishing a Fire Engine Company in the City of
Middletown.

May, 1803.

Resolved by this Assembly, That full power be, and is hereby granted to the mayor, aldermen and common council [councilmen] in and for said city to cause to be raised, established, ^{Fire engine} and organized within the limits thereof, a fire engine company, ^{company not} to consist of any numbers of said inhabitants not exceeding ^{exceeding twenty} twenty, and to exempt them from military duties for and during the time they shall actually serve therein.

Additional Act, authorizing a second Fire Engine Company of sixteen men.

October, 1810.

Fire engine
company of six-
teen.

Be it enacted by the Governor and Council and House of Representatives in General Court assembled, That power and authority be, and hereby is granted, to the court of common council, [the common council,] for the city of Middletown, at their annual or other legal meetings, to nominate and appoint an additional company, to consist of sixteen men, living within the limits of said city, as firemen ; and that upon such nomination and appointment, the persons designated by said court, [said common council,] shall be exempted from military duty, for and during the time they shall actually serve in said capacity.

Additional Act authorizing the Court of Common Council to establish Side-Walks.

May, 1811.

Common Coun-
cil may desig-
nate side-walks

SEC. 1. *Be it enacted by the Governor and Council and House of Representatives in General Court assembled,* That the court of common council [the common council,] of the city of Middletown, be, and they hereby are authorized and empowered, from time to time, as public convenience may require, to designate and fix the width, course, height and level of side-walks, in and upon the streets and highways in said city.

(a) see Act of
1835, Sec. 1.

May order pro-
prietors to make
fronts, accord-
ing to the width,
course, height
and level designa-
ted as aforesaid ;
and also, to pave
or to flag, and to
protect by posts
or otherwise, and
to improve in such
manner as said
court of common
council [said com-
mon council,] shall
direct, any side-
walk in said city,
as well those which
have been heretofore
designated by said
court of common-
council, [said com-
mon council,] in
pursuance of the
by-laws of said
city, as those which
shall hereafter be
designated in pursu-
ance of this act.
And said court of
common council [said
common council,]
may limit such time
as they may deem
reasonable, for level-
ing or raising, and
for paving, flagging
and improving such
side-walks. And in
cases where the land
or buildings fronting
on such side-walk,
shall be holden for a
term of years, or any
other estate less than
fee simple, said court
of common council [said
common council,]
may by their order,
apportion in such
manner as they shall
judge right, the ex-
pense of raising or
leveling, paving, flag-
ging or im-

SEC. 2. For the purpose of rendering such side-walks convenient, said court of common council [said common council,] may from time to time, give order (a) to the proprietor or proprietors of the lands and buildings fronting on such side-walks, at their own expense, to level or raise the same on their several fronts, according to the width, course, height and level designated as aforesaid ; and also, to pave or to flag, and to protect by posts or otherwise, and to improve in such manner as said court of common council [said common council,] shall direct, any side-walk in said city, as well those which have been heretofore designated by said court of common-council, [said common council,] in pursuance of the by-laws of said city, as those which shall hereafter be designated in pursuance of this act. And said court of common council [said common council,] may limit such time as they may deem reasonable, for leveling or raising, and for paving, flagging and improving such side-walks. And in cases where the land or buildings fronting on such side-walk, shall be holden for a term of years, or any other estate less than fee simple, said court of common council [said common council,] may by their order, apportion in such manner as they shall judge right, the expense of raising or leveling, paving, flagging or im-

May limit the
time.

proving such side-walk, among the different persons having an interest in the lands or buildings, holden as aforesaid.

SEC. 3. If any proprietor or proprietors shall neglect (a) to level or raise, or to pave, flag or improve any such side-walk, in such manner, and within such time as said court of common council [said common council,] may direct and limit; said court of common council [said common council,] may, in such case, appoint and employ some meet person to raise and level, and to pave, flag, or improve such side-walk, on the front of the proprietor or proprietors neglecting as aforesaid; and may adjust and liquidate the expense thereof, and order the same to be paid by the proprietor or proprietors neglecting as aforesaid, and appoint a collector or collectors, to collect of each proprietor the sum or sums respectively ordered to be paid as aforesaid, and pay the same within such time as said court of common council [said common council,] shall limit, and to such person as they shall appoint to receive the same, for the purpose of defraying such expense; and said court of common council [said common council,] shall cause such collector duly to account therefor; and the mayor or one of the aldermen of said city, shall issue a warrant (b) of distress to such collector, authorizing him to collect of such proprietor or proprietors respectively, the sums ordered to be paid as aforesaid; and every such collector shall have the same powers, proceed in the same manner, and be under the same regulations, as the law prescribes in case of collectors of public taxes.

SEC. 4. When any side-walk shall cross a street or highway, said court of common council [said common council,] may cause the same, in such place, to be suitably leveled, or raised, and paved or flagged at the expense of said city.

SEC. 5. If any person or persons shall be aggrieved by the doings of the common council, under this act, such person or persons may prefer his, her, or their complaint to the next county court, (c) in the county of Middlesex against said city, causing a copy of such complaint to be left with the clerk of said city, at least twelve days before the sitting of said court; and if said court, on hearing of such complaint, shall be of opinion that any part, or the whole of the expense, ordered to be paid by such person, ought to be borne by said city, said court shall order and direct that such complainant or complainants be relieved from the payment of such part, or from the whole of such expense, as to them may appear just and equitable; and shall order that the expense for which relief shall be granted as aforesaid, be paid by said city; and if it shall appear on such hearing, that such complainant or complainants have actually paid any sum or sums of money, in consequence of any order made by said court of common council [said common council,] as aforesaid, which ought to be refunded; said county [superior,] court may grant execution in favor of such complainant or complainants against said city, for said sum or sums.

May apportion expenses.

(a) to level or raise, or to pave, flag or improve any such side-walk, in such manner, and within such time as said court of common council [said common council,] may direct and limit; said court of common council [said common council,] may, in such case, appoint and employ some meet person to raise and level, and to pave, flag, or improve such side-walk, on the front of the proprietor or proprietors neglecting as aforesaid; and may adjust and liquidate the expense thereof, and order the same to be paid by the proprietor or proprietors neglecting as aforesaid, and appoint a collector or collectors, to collect of each proprietor the sum or sums respectively ordered to be paid as aforesaid, and pay the same within such time as said court of common council [said common council,] shall limit, and to such person as they shall appoint to receive the same, for the purpose of defraying such expense; and said court of common council [said common council,] shall cause such collector duly to account therefor; and the mayor or one of the aldermen of said city, shall issue a warrant (b) of distress to such collector, authorizing him to collect of such proprietor or proprietors respectively, the sums ordered to be paid as aforesaid; and every such collector shall have the same powers, proceed in the same manner, and be under the same regulations, as the law prescribes in case of collectors of public taxes.

Proceedings in case of neglect.

(b) see Act of 1835, Sec. 3.

Side-walks crossing streets.

Mode of redressing grievances.

(c) Superior court, Public Acts of 1855, page 29.

An Act incorporating the Cities of Hartford, New Haven, New
London, Norwich and Middletown.

May, 1821.

SEC. 1. [The portion which relates to the City of Middletown is superseded by the 1st and 2nd sections of the Act of 1856.]

SEC. 2. [Relates to the City of Hartford.]

SEC. 3. [The first part of this section refers to the annual meeting and to the election of officers. The last sentence of the section refers to the length of office. Both are rendered unnecessary by Sec. 3. of Act of 1856. The remainder of the section gives the mode of voting and defines the duties and powers of the clerk and treasurer.]

Mode of voting. Which ballot [containing the names of the officers to be voted for] shall be rolled up, and, in presence of the mayor and aldermen, present at such meeting, put, by the person giving the same, into a box, which each city shall provide for that purpose ; which shall be a close box, with an aperture in the lid, of a convenient size, through which to put in the ballot ; and when the freemen present at any meeting, shall have had rea-

(a) See Act of 1854, Sec. 2. sonable (a) time to give in their ballots, either of the sheriffs of the city, or in their absence, the junior alderman present, in presence of the mayor and aldermen, or such of them as are present at such meeting, shall open the said box, and the mayor and aldermen, or such of them as are present, shall open, sort and

(b) see Act of 1856, Sec. 3. recount the ballots, and the person who shall have a (b) majority of the ballots given in, shall, by the sheriffs, or in their absence, by the junior alderman present, be declared to be elected ; and no ballot shall be received after the box shall have been opened.

Clerk. Each of said cities shall choose a clerk, who shall make true and regular entries of all the votes and proceedings of the city ; and the records, by him kept, shall have the same validity as the records of town clerks ; and shall also choose a treasurer

Treasurer. for each city, to continue in office during pleasure, who shall have the same power and authority as town treasurers, and shall be accountable to the city appointing him.

Qualifications of voters. SEC. 4. Every person, who shall have dwelt one year in any of said cities, shall be deemed an inhabitant of such city, so far only as to give him a right to vote in the meetings of such city, so long as he shall continue afterwards to dwell therein ; provided such person shall have the other qualifications required by law, to entitle him to vote in such meeting. No person shall be entitled to vote in any meeting of said cities, until he shall have dwelt therein one year, unless he be a legally settled inhabitant of the town in which such city is, and an elector of the state, dwelling in such city. And if any person not qualified according to law, shall vote at any city meeting, in any of said cities, or being so qualified, shall,

in any such meeting, give in more than one vote at a ballot, ^{Penalty for vo-} for any person, to the same office, he shall forfeit the sum of ^{ting illegally.} seventeen dollars to the treasury of the state

SEC. 5. And said cities, respectively, shall have power to grant the freedom of their cities, to any person or persons living without the limits of the same ; and the person to whom such freedom is granted, shall, upon taking the oath by law re- ^{Power to grant freedom of cit-} quired, have right to vote at any of the elections, and in any ^{ies.} city meeting in that city, by which such freedom is granted :— *Provided*, that no person shall, in virtue of such grant, be considered as entitled to the rights of a free citizen of the state, or as acquiring a right of inhabitancy in that town, in which the city granting such freedom lies.

SEC. 6. [The proviso limiting the power of the city of Hartford, is omitted.] Each city, in legal meeting assembled, shall have power to lay taxes on the polls and ratable estates with- ^{Cities may lay} in the limits of the city, for such purposes as the city shall ^{taxes and ap-} think proper, agreeably to the privileges granted by this act, ^{point collectors.} and to choose a collector or collectors, to collect such tax, who, having received a warrant for that purpose, signed by the mayor, or one of the aldermen of said city, shall have the same power as collectors of town taxes, and shall be accountable to the mayor and aldermen, in the same manner as collectors of town taxes are to the selectmen ; and in case any collector shall not perform his trust, then, on complaint by the aldermen to the mayor of the city, he shall issue his warrant, under his hand, directed to either sheriff of said city, to collect out of the estate of the negligent collector, the sums due from him.

SEC. 7. The sheriffs of each city shall, within the limits of the same, have the same power and authority as the sheriffs ^{Power and lia-} of the counties, and shall be liable to the same penalties and ^{bility of sheriffs} suits for neglect of duty ; and each city shall be liable for the default of their sheriffs in their offices. And said sheriffs shall severally give bonds, with sureties, in such manner, as, by the by-laws of each city, shall be directed, for a faithful discharge ^{Bonds.} of the duties of their office, before they shall be capable to execute the same ; and in case of their refusal, or either of them, the city may appoint others in their room.

SEC. 8. [The times of holding court in Hartford, New Haven, New London and Norwich are omitted.] There shall be ^{City court} holden in each city, in every month, a city court. Such court ^{when to be hol-} shall be holden in Middletown, on the second Tuesday : which ^{den.}

courts shall have power to adjourn from time to time, and shall have cognizance of all cases wherein the title of land is not concerned, cognizable by county [superior,] court, provided the cause of action arise within the limits of said cities, and ^{Jurisdiction.} one or both the parties live within the same ; and of any suit or action that may be commenced by the president, directors, and company of any bank, in the city in which such bank is established, on any writing obligatory, made payable by the terms of it, at, and endorsed to such bank, notwith-

standing such writing may have been executed, drawn, accepted or endorsed, without the limits of such city. And said city court shall have the same power and authority, and shall proceed in the same manner, and grant executions, as county [superior] courts now or hereafter shall have power to proceed and grant; and the executions granted by the city courts shall be served and returned in the same manner as executions granted by county [superior] courts. And an appeal shall be allowed to either party, from the judgment or determination of said city courts, to the next superior court, to be holden in the county in which such judgment is rendered, in all cases in which an appeal is now or shall hereafter, by law, be allowed from county courts: but if judgment is rendered in favor of the plaintiff, he may apply to the city court, at the term when such judgment shall be rendered, and if he can satisfy the court that such appeal is taken for delay only, then such court may, at their discretion, notwithstanding such appeal, direct execution to issue on such judgment, for the debt, or damages and costs, against the defendant or defendants, and the plaintiff may levy the said execution, and collect the money thereon; provided, before taking out execution, he becomes bound, with two sufficient sureties, before the mayor [recorder,] of the said city, or one of the judges of said city court, in a recognizance, (which recognizance the mayor [recorder,] of each city, and the judges of the city courts, are respectively empowered to take,) in double the sum of said judgment, that he will, within one week after final judgment on the appeal, refund so much of the judgment of said city court, as shall on such execution be collected, and shall not by him be recovered before the court to which the appeal is taken, and the interest thereof, together with the fees on the execution, which shall accrue and be paid by the defendant or defendants and no appeal shall be allowed on any suit, commenced on such recognizance.

Mode of proceeding. Appeals. Execution may be taken out by plaintiff, on giving bond.

SEC. 9. And in every action brought before any city court, in which the plaintiff lives without the limits of the city, or is a mariner or seaman suing for wages due to him for service in his occupation, and the defendant lives within the limits of the city, no appeal shall be allowed to the defendant, unless the matter in demand exceed one hundred and sixty-seven dollars; but if the matter in demand exceed that sum, an appeal shall be allowed to the defendant, in the same manner, and under the same regulations as appeals are allowed in other cases, cognizable by city courts; and no writ of error brought for the reversal of any judgment of a city court, or of the mayor, [the recorder,] or either of the aldermen of a city, shall be a *supersedeas*, or have any force to stay the issuing, levying, or collection of execution.

Clerks.

SEC. 10. Each city court shall have power to appoint and swear a clerk for such court, to continue in office during pleasure, who shall, as to matters relative to his office as clerk of

such court, have the same power and authority as clerks of county [superior] courts have by law ; and the oath to be taken by the clerk shall be the same, *mutatis mutandis* as the oath provided by law to be taken by the clerks of the county [superior] courts. ^(a) The judicial power of the mayor is given to a recorder.

SEC. 11. The mayor [recorder,] of each city, for the time being, and the two aldermen first chosen, at the annual meeting of the city, shall compose the city court, where chosen, and be the judges thereof ; and the mayor [recorder,] shall be the chief judge of said court, and the two aldermen shall be the assistant judges of said court ; any two of whom in the absence of the other, taking to their assistance the senior alderman present, that is not a judge of said court, or if neither of the aldermen that are not judges of said court, cannot attend, one of the justices of the peace for the county in which the city is, and resident within such city, shall have power to hold a city court. If at any city court, there shall be but one judge present, he shall take to his assistance two other aldermen of the city ; and in case one or both of them cannot attend, he shall take one or two of the justices of the peace, as the case may require, of the county in which the city is, resident in the city ; and they shall have the same power to hold a city court, as the judges of the city court have. In case of the absence of the mayor, [recorder,] and the two aldermen, constituted by law judges of the city court, of either of said cities, or their disqualification to sit as judges, the other aldermen of such city, taking to their assistance any justice of the peace, residing in the county in which such city is established ; or either of the aldermen of such city, in case of the absence or disqualification of the mayor, [recorder,] and other aldermen, taking to his assistance any two justices of the peace, of such county ; shall have power to hold a city court within and for such city. When a suit is pending before any city court, wherein the defendant or defendants do not appear, or which, pursuant to law, must be continued, in either case, any one competent judge of such court, shall have power, and the same is hereby granted to him, to render a judgment on default, or to continue the action, as the case may require.

Special courts
how called.

SEC. 12. The mayor [recorder,] of each city, or in his absence, the senior assistant judge of each city court, may, at the special instance and cost of any person moving therefor, hold a special city court, at such time and place, within said city, as the mayor [recorder,] or judge ordering the same, shall appoint ; which court shall proceed in the same manner, have the same power and authority, and, in all respects, be under the same regulations as the stated city courts of the city ; and all the taxable fees of city courts shall be the same as taxable fees of county [superior] courts. And the several city courts shall have power to appoint attorneys ^(a) for their respective cities, who shall be sworn to a faithful discharge of their office ; and such attorneys shall have power to sue and prosecute for all penalties for the breach of the by-laws of said cities, in the name of

(a) City attorney elected at the annual meeting, Sec. 3, Act of 1866,

the city, by proper action before the city court.

Recorder and al-
dermen to have
power of justi-
ces of peace.

SEC. 13. The mayor [recorder,] and aldermen of the several cities, respectively, shall severally, within the limits of the city to which they belong, have cognizance of all civil causes, by law cognizable by a justice of the peace, provided the cause of action arise within the limits of such city, and one or both of the parties live within the same; and the mayor [recorder,] and aldermen shall, as to the causes by them severally cognizable, have the same power and authority, and proceed in the same manner, as justices of the peace now, or hereafter may have and proceed. And an appeal shall be allowed from the judgment or determination of said mayor [recorder,] and aldermen, in any cause by them cognizable, severally, to the next city court, to be holden within said city, in all causes in which an appeal is now, or hereafter shall be, allowed from a judgment of a justice of the peace; the prevailing party, however, if plaintiff, may, such an appeal notwithstanding, take out an execution on such judgment, provided he give a bond, before the mayor [recorder,] of such city, or one of the judges of the city court, in the same manner as is provided in the case of appeals from the city court. And in every action brought before the mayor, [recorder,] or either alderman of the city where they belong, in which the plaintiff lives without the limits of such city, or in which the plaintiff is a mariner or seaman, suing for wages due to him for service in his occupation, and the defendant lives within the limits of the city, no appeal shall be allowed to the defendant.

Appeals.

Taxable fees.

SEC. 14. The taxable fees, in all causes cognizable by the mayor, [recorder,] or any of the aldermen of a city, severally, shall be the same as taxable fees, in like cases, before justices of the peace. And the processes, in all actions brought to city courts, shall be the same as processes to the county [superior] courts; and the processes in actions brought before the mayor, [recorder,] or one of the aldermen of any city, shall be the same as in actions brought before a justice of the peace; which process shall be signed by the governor, lieutenant-governor, or justice of the peace, or by the mayor, [recorder,] or one of the aldermen of the city, or clerk of the city court, where the process is to be served, and shall be served by a sheriff, deputy-sheriff, or constable, to whom directed, according to law and the provisions of this act. And all bonds for prosecution, taken by any of the officers hereby empowered to sign writs, shall be good and effectual; and bonds for prosecution, special bail, and bonds for appeal, shall be taken to the adverse party: *Provided*, that no writs, (executions excepted,) or processes, signed by the mayor, [recorder,] or either of the aldermen, shall be of any effect, without the limits of the city to which they belong.

Processes.

How signed.

Bonds for prosecution.

Proviso.

Time of service
before the sit-
ting of the court.

SEC. 15. When the defendant, who is sued to any city court, lives within the limits of the city, the writ shall be served upon him, at least six days before the sitting of the court to which the writ is returnable: but if the defendant lives with-

out the limits of the city, the writ shall be served at least twelve days before the sitting of the court ; and all writs returnable to a city court, shall be returned to the clerk thereof, on or before the day of the sitting of the court, and before the first opening of such court.

SEC. 16. The writs that are returnable before the mayor, [recorder,] or either of the aldermen of a city shall, if the plaintiff and defendant both live within the limits of the city, or if the plaintiff live without and the defendant live within the limits of such city ; or if the plaintiff be a mariner or seaman, suing for wages due to him for service in his occupation, and the defendant lives within the limits of the city, be served upon the defendant, at least three days before the sitting of the court to which it is returnable ; but if the defendant lives without the limits of the city, the writ shall be served upon him, at least six days before the sitting of the court to which it is returnable.

Return of writs to city court.

Writs returnable before the mayor or aldermen.

Penalty on sheriff &c. for neglect of duty.

SEC. 17. In case any sheriff, deputy sheriff, or constable shall not serve a writ directed to and received by him, that is returnable to a city court, or shall neglect to make return of said writ, or shall make a false return thereof, and a suit for such default be brought against him, to such city court, by the person, his executor or administrator, in whose favor the suit issued, and the defendant be found in fault, the court, over and above awarding just damages to the party, shall, on said suit, set a suitable fine upon the defendant, according to the nature of the case, and may issue execution for the same, which fine shall be to the treasury of the city.

SEC. 18. [The election of jurors in Hartford, New Haven, New London and Norwich is omitted.] The mayor, aldermen, and common council, [councilmen,] of each city, shall annually meet for the election of jurors. They shall meet in the city of Middletown, on the first Monday of February, and then choose thirty-six freemen of said city, or such greater number, not exceeding seventy-two, as said mayor, aldermen, and common council, [councilmen,] shall then judge necessary, to serve as jurors at city courts.

Jurors, how chosen

They shall return the names of the jurors chosen as aforesaid, under the hand of the mayor of the city, if present, or in case of his absence, under the hand of the senior alderman present at such meeting, to the clerk of the city court, who shall write each juror's name thus chosen fairly, on a separate piece of paper, and roll up and put the same into a box, which he shall provide and keep for that purpose : and whenever either sheriff of any city shall receive a warrant from the clerk of the city court, to summon a jury to appear before said court, the sheriff receiving such warrant, taking with him one of the aldermen of the city, shall repair to the clerk's office, and there, in the presence of such alderman and clerk, shall take out of said box as many papers as his warrant directs ; and the persons whose names shall be found written therein, shall be summoned to appear before the court, to which the warrant is returnable, to serve as jurors, and in case of neglecting to attend, shall be liable to such penalties as shall be, by the by-laws of the

Return.

Clerks shall put names in a box.

Jurors, how drawn.

Summoned.

city, inflicted for such neglect ; and in case a complete panel shall not attend, or in case any shall be challenged or excused, the sheriff attending the court, shall supply the deficiency, by drawing, in the presence of the court, others out of the said box, and summoning them to attend and serve, until the panel shall be complete ; and the names of such jurors as do not attend, or are excused, shall be returned into the box, and shall be liable to be drawn again.

And sworn.

And the oath to be taken by the jurors, shall be the same as is by law provided to be taken by jurors in civil actions. And the name of each juror that attends any city court and serves, shall be again written on a separate piece of paper, and shall be rolled up and put into another box, which the clerk of the court shall provide for that purpose, and shall be liable to be drawn again, in case there shall not, by reason of death, removal, or other cause, be a sufficiency in the other box, to complete the panels for that year in which they are chosen to serve. *Provided*, that the judges of each

Issues of fact may be tried by the court, or by a jury of six.

city court, shall have power to try and decide all issues in fact that shall come before them, by themselves, or by a jury of six free-men, where both parties shall agree to it.

SEC. 19. The mayor, aldermen, sheriffs, common council [councilmen,] and clerks of each city, shall be sworn to the faithful discharge of their duty ; and the form of the oath to be taken by the mayor of each city shall be as follows, to wit :

You being elected mayor of the city of _____, do swear by the name of the everliving God, that you will, without any partiality, indifferently administer justice according to law, without respect of persons take no bribe, give no counsel in any matter that shall come before you, nor deny right to any, but well and truly perform your office of mayor of said city, according to your best skill: So help you God.

Form of oath for mayor.

Aldermen.

And the form of the oath to be taken by the aldermen of each city, shall be the same, *mutatis mutandis*, as is prescribed by law to be taken by justices of the peace. And the form of the oath to be taken by the common council [councilmen] of each city, shall be as follows, to wit :

Councilmen.

You being elected a common councilman [councilman] for the city of _____ do swear by the name of the everliving God, that you will faithfully and uprightly discharge the duties of that office, so long as you shall hold the same : So help you God.

Sheriffs.

And the form of the oath to be taken, by the sheriffs of each city, shall be the same as is prescribed by law, to be taken by sheriffs, *mutatis mutandis*. And the form of the oath, to be taken by the clerk of each city, shall be as follows, to wit :

Clerk.

You being chosen clerk of the city of _____, do swear, by the name of the everliving God, that you will truly and faithfully attend, and execute the office of clerk of said city according to your best skill, and make true entries and records of all the votes and proceedings of said city, and such other matters as by law, or by the by-laws of said city are to be recorded in your office, and that you will deliver true copies of the records in your hands, when they shall be required of you, taking only your lawful fees : So help you God.

Which oaths may be administered by a justice of the peace, or

by the mayor, or either of the aldermen of the city, provided they have been first sworn according to this act. And the person administering the oath prescribed by this act, shall give a certificate thereof, to the person to whom he administered it, which certificate shall be recorded in the records of such city, before the person to whom it is given shall be capable of executing the office to which he is chosen.

SEC 20. [Those subjects of legislation which are identical with those allowed in the act of 1856 are omitted.] There shall be a court of common council [a common council] of each city, to be composed of the mayor, aldermen, and common council, [councilmen,] who, by a major vote, shall have power to make by-laws ;

Relative to channels ;

Relative to trees planted for shade, ornament, convenience, or use, public or private, and to the fruit of such trees ;

Relative to the sweeping of chimneys ;

Relative to the forms of oaths to be taken by the inspectors of produce brought to said cities for sale or exportation ;

Relative to the qualifications, in point of property, of the mayor and aldermen ;

Relative to the penalties to be incurred by those who, being chosen to any city office, shall (not being excused by the city) refuse to serve ;

Relative to the mode of taxation, as to taxes levied by said cities ;

And to prevent the future erection of any building or buildings, in the most compact and populous part of said cities, or the alteration or appropriation of any buildings already erected, to be used for bakers' shops, blacksmiths' shops, hatters' shops, or tallow-chandlers' shops, or any other buildings, for those or similar purposes, which, in the opinion of the common council of said cities, respectively, shall more immediately expose said cities to injury, and destruction from fire.

And the court of common council [the common council] of each city, shall have power to designate and assign the limits to their said cities, within which no person or persons, shall be permitted in future to erect, use, or occupy any building or buildings of the kind, or for the use mentioned in this act, without license from the court of common council, [the common council.]

And relative to raising and collecting a revenue, by duties and indirect taxes, within said cities ;

Relative to the assize of bread, crackers, and biseuits, and other manufactories of flour, made and sold within said cities ;

And for securing to the inhabitants of cities, and other persons, the exercise of their rights, in the use of the public squares, streets and highways within said cities, free from obstruction and molestation ;

By whom administered.
Certificate to be given and recorded.

(a) For organization of common council.
See Sec. 4, Act of 1856.
Power to make by-laws.

For designating the place or places for military parades, in or near said cities ;

For laying out and regulating public squares and walks ;

For regulating military parades and rendezvous, within the limits of said cities ;

And the marching of military companies with music in the streets of said cities ;

For defining the powers and duties of the city watch, and carrying them into effect ;

To inflict penalties. Relating to prohibiting and regulating the bringing in and conveying out, or storing of gunpowder in said cities ;

How recoverable.

And to inflict penalties and forfeitures of goods and chattels, for the breach of such by-laws ; which penalties and forfeitures, shall be to the use of said cities respectively, or to such person or persons, as the by-laws shall direct, to be recovered by the treasurers of said cities, for the use of the same, or by the persons to whom forfeited, in an action on such by law, brought to the city court, in said city where the offense is committed ; in which action no appeal shall be allowed : *Provided*, that no penalty shall exceed the sum of thirty four dollars, and no forfeiture of goods and chattels, shall exceed the value of thirty-four dollars ; *and provided*, that such penalties shall not exceed thirty-four dollars, for a quantity of gun-powder, not exceeding twenty-five pounds, and for each and every further amount of twenty-five pounds, an additional penalty not exceeding fifteen dollars. And all penalties not exceeding seven dollars, may be sued for, before the mayor, [recorder] or aldermen of the city in which the offense is committed : and the defendant shall have liberty to appeal, when judgment is rendered against him, to the next city court, to be holden in and for said city, in the same manner as in other cases. [The last proviso is omitted for one contained in the Act of 1856.]

Limitation of penalties and forfeitures.

SEC. 21. [Relates to the laying out of streets, &c., and is superseded by Act of 1856, Secs. 6, 7, and 8.]

Inspectors of produce.

SEC. 22. Each city shall have power to appoint inspectors of every kind of produce of the United States, brought to such city for sale and exportation.

Grants and leases.

SEC. 23. All grants and leases of any real estate belonging to either of said cities, signed by the mayor, and sealed with the city seal, and approved by the city, in a legal meeting, and recorded in the town where the lands granted or leased lie, shall be effectual to convey such estate.

Vacancies in office, how supplied.

SEC. 24. Whenever the mayor of either of said cities, or any other officer eligible by the freemen, shall resign, or be removed, by death or otherwise, another shall be elected in his place, and (if the appointment be annual) shall continue in office for the same time as the person whom he succeeds would have done, had he not resigned, or been removed.

Mayor &c. to be moderator of meetings, which may adjourn.

SEC. 25. The mayor of each city, or in his absence, the senior alderman present, at any meeting of the city, or any court of common council [the common council] shall, *ex officio*, be moderator thereof. A meeting of the city may be adjourned, from time to

time, by a major vote of the freemen present. And a special meeting of each city, may be called in such manner as said cities shall direct ; and all questions, in a city meeting, shall be decided by a majority of the votes of the freemen present. ^{Major vote to decide.}

Sec. 26 and Sec. 27. [Relate to the appointment of firemen in the cities of Hartford and New Haven.]

Sec. 28. The inhabitants living within the limits of each city, shall be and remain a part of the town within which such city is situated. ^{Inhabitants to be part of town}

Sec. 29. If this act, or any of the provisions contained in it, shall be found inconvenient, or in any respect inadequate, the same may be altered or revoked, on representation of either of said cities, by the general assembly. And this act shall be a public act. ^{Act may be altered.}

Additional Act authorizing a new Fire Engine Company of sixteen men.

May 1832.

Be it enacted by the Senate and House of Representatives in General Assembly convened, That the mayor, aldermen and common council [councilmen] of the city of Middletown, be, and they are hereby authorized and empowered, to form a new engine company in said city, to consist of sixteen men living within the limits of said city, the same being an addition to the number of firemen now authorized by law in said city of Middletown ; and the said mayor, aldermen, and common council, [councilmen,] shall have full power and authority, at any regular meeting, to choose said additional number of firemen for the purpose of forming said company as aforesaid, and shall have full power to fill any vacancies that may occur in said company raised as aforesaid, and to establish and make such rules and regulations relative to said fire-engine company as may, from time to time be necessary, any law to the contrary notwithstanding : Provided that this act may be altered, amended, or repealed, at the pleasure of the General Assembly. ^{New fire engine company of sixteen men.}

An Act to amend the Charter, and for other purposes.

May 1835.

If proprietors are non-residents, notice in writing to occupants to flag or pave sufficient.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That whenever the court of common council [the common council] of said city shall order the proprietors of land to level or raise side-walks, pave or flag the same, or pave gutters in front of their land, or to raise low grounds, or to make drains, in pursuance of power heretofore granted, and the proprietor does not reside in said city, notice in writing to the occupants of the land or building in front of which said side-walk or gutter is to be made or paved, or to the occupants of the ground to be drained or filled up, shall be sufficient notice of such order to all persons interested therein.

In case of neglect, common council may order paying or flagging at cost of proprietors.

SEC. 2 If such proprietor shall neglect to comply with such order, and the court of common council [the common council] shall direct the same to be executed by some other person, the expenses so incurred, with interest thereon, and costs of collection, shall be a lien or real incumbrance on the buildings and lots in respect to which such expenses shall have been incurred; and the same may be recovered by action of debt in the name of the treasurer of said city, from the person on whose account the same may have been so incurred, his executors or administrators; or the same may be recovered, or the payment thereof enforced in like manner as if said lands or buildings were mortgaged to the corporation of said city for the payment thereof, or the same may be enforced by warrant of distress.

Warrant to collect expenses, how made.

SEC. 3. Whenever such warrant shall issue, it may be made in like manner as warrants for other taxes, and may include the same sum for said warrant as is allowed for executions in the superior court, and also officer's fees for collection; and the officer shall proceed with such warrant in the same manner, and under the same regulations as is prescribed by law in the case of public taxes, except that notice of the sale of real estate in a public newspaper of said city need only be given for three successive weeks before the sale.

Resolve forming the Middletown Fire Hook and Ladder Company.

May 1837.

Fire hook and ladder company of thirty men.

Resolved by this Assembly, That the mayor, aldermen and common council [councilmen] of the city of Middletown be, and they are hereby authorized and empowered to form a fire company in said city, to be called the Middletown Fire Hook and Ladder Company; said company to consist of not more than thirty men.

Incorporation of Fire Engine Company No. 4, in Middletown.

May, 1838.

Upon the petition of the mayor and aldermen of the city of Middletown, specially authorized for the purpose, by the vote of the freemen of said city, in city meeting legally warned, praying for power to raise an additional fire company, to consist of thirty members, and that the existing fire companies may be enlarged, so that each consists of thirty members, as per petition on file appears.

Fire Engine
Company No. 4,
of not more than
thirty men.

Resolved by this Assembly, That the mayor, aldermen and common council [councilmen] of the city of Middletown be, and they are hereby authorized and empowered to form a fire engine company in said Middletown, to be called Fire Engine Company No. 4 ; said company to consist of not more than thirty men.

Resolved further, That the mayor, aldermen and common council, [councilmen,] be, and they are hereby authorized and empowered to enlarge the existing fire companies, so that each shall consist of thirty members.

Power to en-
large existing
fire companies.

[A part of this Act, and a part of the preceeding Resolve, included in the Resolution of 1842, are omitted.]

Resolution to increase the number of Firemen in the City of Middletown.

1842.

Upon the petition of the mayor, aldermen and common council [councilmen] of the city of Middletown, praying for power to raise thirty additional members, to be attached to the existing fire companies of said city, as per petition on file :

Resolved, by this Assembly, That the mayor, aldermen, and common council [councilmen] of the city of Middletown, be, and they hereby are authorized and empowered to raise thirty additional firemen, to be attached to the existing fire engine companies of said city, and entitled to all the powers, privileges and immunities granted by the Legislature to the other members of fire companies of said city.

Thirty addition-
al firemen may
be raised.

Resolved further, That all the fire companies of the city of Middletown, shall have power to make any by-laws not inconsistent with the laws of this State or of the United States, and to

Fire companies may make by-laws. enforce the same by fine not exceeding five dollars for any one offense ; also, to impose taxes on themselves, and collect the same in like manner as other taxes are collected.

Provido requiring assent of city to resolves. *Provided*, That these resolves shall not be in force, unless the same shall be assented to by the mayor, aldermen, common council [councilmen] and freemen of the city of Middletown, at a meeting legally held for that purpose.
Approved in city meeting, Aug. 6, 1842.

An Act in addition to an Act entitled "An Act incorporating the City of Middletown."

May, 1843.

Recorder—his duties and powers. *Be it enacted by the Senate and House of Representatives in General Assembly convened.* SEC. 1. [The part relating to election of Recorder, and to filling the office when vacant, is omitted, as superseded by Sec. 3, Act of 1856.] That there shall be a recorder for the city of Middletown, who shall be the chief judge of the city court of said city, and shall perform all the duties of a judge of said court, instead of the mayor of said city. And he shall also have and exercise all the other judicial powers and authority now by law appertaining to the office of mayor of said city, and said power and authority are hereby transferred from said office of mayor to said office of recorder. He shall take the oath provided by law to be administered to other judicial officers, and shall receive such compensation as shall be established by by-law of said city.

To be sworn.

Compensation.

Mayor and aldermen — their duties and powers. SEC. 2. That the mayor and aldermen of said city of Middletown shall have, severally, the same power within said city to disperse and apprehend rioters, to keep the peace, and to require sureties therefor, and the same criminal jurisdiction over all crimes and offenses whatsoever, committed within the limits of said city, that justices of the peace have or may have in the towns where they reside, subject to any appeal that is now, or shall hereafter be allowed from justices of the peace in criminal cases. And where said mayor or aldermen have jurisdiction, they shall have the same power, severally, that justices of the peace have to issue process against the offender or offenders, and a summons and *capias* for witnesses, and may at all times, if need be, require the aid of any sheriff, deputy sheriff, city sheriff, town or city constable or watchman, or any or all of them, together with such other aid as shall be necessary. And the mayor, or in his absence, the senior alderman present shall, in all cases, have and exercise the same powers and duties, which were conferred on the mayor of the city of New Haven, by an Act passed 1842, entitled, "An Act in addition to an Act entitled An Act Incor-

porating the City of New Haven." And all persons who shall resist, delay or refuse to obey the legal requirements of the mayor or either of the aldermen of said city of Middletown, shall be subject to the same penalty as is provided by the last mentioned act for like offenses : and every person called into service by the mayor or acting mayor, shall be paid as provided by the sixth section of said act. Penalties for resistance of, &c.

SEC. 3. The court of common council [the common council] shall at their next meeting after the passage of this act, and at each annual meeting of said court [said common council] thereafter, appoint from the common councilmen [the councilmen] by ballot, three grand jurors for the city, who shall be sworn, and who shall have and exercise the same powers and duties within the said city as grand jurors have and exercise within their respective towns. And said grand jurors shall perform the duties of their office until others are chosen and sworn in their stead. Grand jurors, when and how appointed. Their powers &c.

An Act in addition to an Act entitled "An Act incorporating the City of New Haven."

1842.

[Sections of this Act referred to in the preceding Act.]

SEC. 4. The mayor of said city shall hereafter be the chief executive magistrate thereof; and it shall be his duty to be vigilant and active in causing the laws to be executed and enforced, and he shall be conservator of the peace within said city, and shall have authority with force and strong hand, when necessary, to suppress all tumults, riots, routs, and unlawful assemblies, and to arrest without warrant, and commit to prison, for a time not exceeding twenty-four hours, any person or persons who may be detected in reveling, quarreling, brawling, or otherwise behaving in a disorderly manner, to the disturbance or annoyance of the peaceable inhabitants of said city. He is also empowered to enter any house or building which he has reasonable cause to suspect to be inhabited by persons of ill fame, or to which persons of dissolute, idle, or disorderly character are suspected to resort. And if any dissolute, disorderly, or vagrant persons are found assembled in or about any such house or building, he shall command all such persons immediately to disperse, if in his opinion the good order of any portion of the city require it; and in case of neglect or refusal to obey such command, he is hereby authorized to commit any person or persons so disobeying to prison for a term not exceeding forty-eight hours; and he

(a) Same as 67th and 68th sections Compilation of 1854. shall have, and may exercise within the limits of said city, all the powers given to sheriffs or other officers by the (a) 59th and 60th (a) sections of the act entitled "An Act concerning Crimes and Punishments," and he may at all times, if need be, require the aid of any sheriff, deputy sheriff, town or city constable or watchman, or any or all of them, together with such other aid as may be necessary. And whenever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power to call out the several companies of militia in said city, or any or either of them, and may exert all the force necessary to enable him to execute the laws within the limits of said city.

Penalty for resisting and refusing to obey the mayor.

SEC. 5. If any person shall hinder or obstruct, resist or abuse the mayor in the execution of his office, or when commanded to assist him therein, (being of sufficient age and ability,) shall refuse or unreasonably neglect so to do, such offender, being thereof duly convicted, shall pay a fine not exceeding one hundred dollars, or shall be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court having cognizance of the offense.

SEC. 6. Every commissioned officer and soldier when called into service by the mayor of said city, in manner aforesaid, shall be entitled to the same pay, and for disobeying the commands of the said mayor, shall be subject to the same penalty as is provided when called into service by the sheriff of the county, by virtue of the act entitled "An Act relating to Sheriffs."

An Act concerning Crimes and Punishment.

From the Statutes, Compilation of 1854, pages 320 and 321.

Riotous assembly, how dispersed.

[The sections referred to in the preceding Act.]

SEC. 67. Every justice of the peace, sheriff, deputy-sheriff, constable, and selectman, within the limits of his jurisdiction, on having notice or knowledge of any unlawful and riotous assembly of three or more persons, who shall have come together with intent to do any unlawful act, with force or violence, against the peace, or to the manifest terror of the people, shall be authorized, empowered, and required, to resort to the place where such assembly shall be, and coming to such rioters, or as near as he can safely come to them, then and there with an audible voice to command, or cause to be commanded, silence to be observed while proclamation is being made; and after that, he shall openly and with an audible voice, make, or cause to be made, a proclamation in these words, or in words of a similar effect, to wit, "In the name and by authority of the state of Connecticut, I charge and command all persons assembled,

Form of the proclamation.

immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, on penalty of the law."

SEC. 68. If such persons, so unlawfully and riotously assembled, or any three or more of them, after proclamation made as aforesaid, shall not disperse, every justice of the peace, sheriff, deputy-sheriff, constable, or selectman, where such assembly shall be, and such other person or persons as he shall command to assist him, is authorized and required to apprehend such persons so unlawfully and riotously continuing together, after proclamation made as aforesaid, and forthwith to carry the persons so apprehended, before some justice of the peace, in order to their being proceeded against according to law.

Persons continuing together to be apprehended.

An Act in addition to, and in amendment and alteration of, the
Charter and the several Acts in relation to the City of
Middletown.

May, 1853.

Be it enacted by the Senate and House of Representatives in General Assembly convened. SEC. 1. That the court of common council [the common council] of said city shall be and they hereby are authorized and empowered to cause all grounds within said city, where water at any time becomes stagnant, except lands used for ordinary farming purposes, situated at such distance from the densely populated parts of said city as to offer no prejudice to the health of the citizens, to be raised and filled up or drained, and to cause all putrid and noxious substances, whether animal or vegetable, to be removed, and to cause all nuisances injurious to health, to be abated, suppressed and removed.

Common council of the city of Middletown, may cause the drainage of low lands:

SEC. 2. And to effect the purposes aforesaid, said court of common council [said common council] may, from time to time, as they shall judge it conducive to the health of the inhabitants of said city, give orders to the proprietor or proprietors of any and all such grounds, subject at any time to be covered with stagnant water, to fill up and raise such grounds, at their own expense; and said court of common council [said common council] may designate how high such grounds shall be filled up and raised, and may limit such time as they shall deem reasonable, for filling up and raising the same; and if such proprietor or proprietors shall neglect to fill up and raise such grounds, in such manner and within such time as said court of common council [said common council] shall have designated and limited, said court of common council [said common coun-

May order proprietors to drain the same, and compel compliance.

cil] may, in such case, appoint and employ some meet person or personsto fill up and raise such grounds, and may adjust and liquidatethe expense thereof, and apportion and assess the same upon such proprietors, and make a rate bill thereof, specifying each proprietor's share of such expense, if there be more than one, and appoint a collector or collectors to collect such assessment, and pay the same, within such time as said court of common council [said common council] shall limit, and to such person as they shall appoint to receive and apply the same, for the purpose of defraying such expense ; and said court of common council [said common council] shall cause such collector duly to account for the amount of such rate bill, and the mayor, or one of the aldermen of said city, shall issue a warrant of distress to such collector, authorizing him to collect such assessment of such proprietor or proprietors, and every such collector shall proceed in the same manner, and have the same powers, and be under the same regulations, as the law prescribes in case of collectors of public taxes : *provided*, that, whenever said court of common council [said common council] shall proceed according to the powers given to them as aforesaid or according to those in the next section given, to cause any such grounds to be filled up, raised or drained, or said drains to be altered, cleansed or repaired, the said court of common council [said common council] shall be, and hereby are authorized and empowered in every instance wherein they shall be of opinion that any part, or the whole, of such expense so incurred, ought to be borne by said city, or can not be obtained from any proprietor or proprietors, to order and direct that such part or the whole of such expense shall be paid out of the treasury of said city, and to draw orders on the treasurer of said city therefor.

When part or whole of expense may be borne by city.

May designate where and how drains shall be opened.

SEC. 3. If said court of common council [said common council] shall judge it conducive to the bralth of the inhabitants of said city to open and establish drains in said city, said court of common council [said common council] may, from time to time designate the places where such drains shall be opened, and the length, depth and width thereof, and they may open such drains through lands of individual proprietors, as well as through public highways, and may alter, cleanse and repair the same, when laid out and opened from time to time, as in their opinion shall be proper and necessary.

May order the proprietors of land to open, &c., drains.

And to effect the purposes aforesaid, said court of common council [said common council] may, from time to time, as they shall judge necessary, give order to the proprietor or proprietors of the lands wherein or whereon such drains are to be laid out and opened, altered, cleansed or repaired, to open, cleanse, alter, and repair the same within such time as they shall deem reasonable for effecting the same, and if such proprietor or proprietors, or any of them shall neglect to open, alter, cleanse or repair such drains, in such manner, and within such time as said court of common council [said common council] shall have designated

and limited, said court of common council [said common council] may, in the case of each and all such neglecting proprietor or proprietors, appoint and employ some meet person or persons to open, alter, cleanse or repair such drains, and may adjust and liquidate the expense thereof, and apportion and assess the same upon the several neglecting proprietors of the lands through or on which said drains are located, and also upon the proprietors of such grounds as are drained thereby : and such assessment or assessments shall be collected, accounted for, paid over and applied in the same manner prescribed in the preceding section, and for those purposes the same powers are hereby granted, and the same duties enjoined.

In case of refusal, damages, how assessed.

Provided always, that if any person shall be aggrieved by the doings of said court of common council [said common council] under this or the next preceding section of this act, he or she may prefer a complaint, in such matter to the next county [superior] court to be holden in the county of Middlesex, by causing a true copy of such complaint to be left with the clerk of said city, at least twelve days before the sitting of said court. And if said court, on hearing of such complaint, shall be of the opinion that any part or the whole of such expense, so incurred, ought to be borne by said city, said court shall order and direct that such complainant be relieved from the payment of such part, or from the whole of such expense, as to them may appear just and reasonable. And if it shall appear on such hearing, that said complainant hath actually paid any sum or sums of money, in the matter complained of, which ought to be refunded, said court may grant execution therefor in favor of said complainant against said city.

Persons aggrieved may prefer complaint to superior court.

SEC. 4. Said court of common council, [said common council] by themselves, or by a committee of their own number, which they are hereby authorized from time to time, to appoint, as a standing committee on nuisances, whenever in the opinion of said court of common council [said common council,] or of their said committee, it shall appear necessary and conducive to the health and comfort of the inhabitants, to order and cause all putrid and offensive substances, of every kind, in said city, to be removed, and to order and cause all places within said city, emitting or containing noxious, offensive, or pestilential vapors or stench, to be cleansed and purified at the expense of the owner or occupant of the buildings or lands wherein or whereon such substances, or the places emitting such stench may be, and the expense thereof shall be liquidated, assessed, collected and paid, in the manner prescribed in the second section of this act, and to this end the same powers are hereby granted, and the same duties enjoined.

Powers of common council regarding nuisances.

SEC. 5. And this act shall be to all intents and purposes a public act.

An Act in addition to, and amendment of the Charter of the City of Middletown.

May, 1853.

Be it enacted by the Senate and House of Representatives in General Assembly convened. SEC. 1. That the court of common council [the common council] of said city may, from time to time, appoint such number of persons as they may see fit, not exceeding ten the whole twenty-five, as special constables within said city, which said constables, as also the city watch now or hereafter to be appointed by said court of common council, [said common council,] shall take the oath by law provided for executive officers ; and said constables shall hold their offices until ten days after the next annual city meeting unless sooner removed by said court of common council [said common council ;] and said constables and said city watch shall have and exercise the same powers and be subject to the same duty to preserve the peace and secure offenders, within said city, as constables have and are in their respective towns.

SEC. 2. If any person shall resist or abuse such special constables, or said city watch, in the execution of their respective offices, such person or persons so offending shall be liable to the same penalties and punishments as are by law provided for resisting or abusing any justice of the peace, sheriff, or constable, in the execution of their offices.

The Middletown Gas Light Company, incorporated

May, 1853.

[Such part thereof as relates to said city.]

SEC. 2. The said company shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors, in the streets, alleys, lanes, avenues, or public grounds of the said city of Middletown, and to change and alter the same, from time to time, as occasion may require, and to do all things necessary to light the said city, and the dwellings, stores, and other places situated therein. *Provided*, that said company, in the location of their gas works and in laying their gas pipes, and erecting gas posts, burners, and reflectors, shall be subject to the orders and under the control and general direction and supervision of the court of common council [the common council] of said city of Middletown ; and that the streets, side and cross-walks, public grounds, lanes, and avenues shall not be injured, but shall be left in as good and perfect condition as before

the laying of said pipes, or the erection of said posts or other fixtures.

Amending The Charter of the City of Middletown.

May, 1854.

SEC. 1. [Superseded by Sec. 3, Act of 1856.]

SEC. 2. On the day of the city election the ballot box for the choice of city officers to be chosen by ballot shall be opened at nine o'clock, A. M., and closed at two o'clock, P. M., after which no ballot shall be received. All ballots shall be laid on the lid of the box, and put into the box by the sheriff or officer having the custody of said box; and the name of each freeman, as he shall respectively deposit his ballot, shall be checked on the list of electors last perfected by the town of Middletown, if said town have perfected a list within the last year; if not, then on a list which shall have been perfected within the past year by the court of common council, [the common council,] whose duty it shall be to perfect such list when the town have none prepared; if his name does not appear on such list, it shall be enrolled by the clerk of said city, or in his absence or inability, by one of the aldermen or common council, [councilmen,] as the mayor may designate. None of the ballots shall be counted until the box is closed, when the persons whose duty it is to count them, shall proceed so to do.

When ballots shall be received.

Mode of voting.

Amending the Charter of the City of Middletown.

May, 1854.

Be it enacted by the Senate and House of Representatives in General Assembly convened.

SEC. 1. The said city of Middletown shall have power and authority, and it shall be their sole duty to make, maintain, and repair all public streets, highways, and roads, within the limits of said city, and for that purpose they may, at any legal meeting of said city, lay taxes and collect the same, in the same manner as is now provided for the levy and collection of the other taxes of said city.

The city shall have power over highways within its limits.

SEC. 2. In all cases when a tax shall be laid and collected, or a sum of money shall be appropriated by the town of Middletown, for the purpose of making and repairing the highways and roads in said town, it shall be the duty of the selectmen of said town to ascertain, determine, and fix the portion thereof which shall be applied for the making and support of highways

Moneys to be applied to highways within the city raised by the town must be paid into the city treasury.

and streets in said town, within said city, and the portion thereof which shall be applied for the making and support of highways and roads in said town, without said city ; and such sum as shall be thus apportioned for the making and support of highways within said city, shall be paid into the treasury of said city, to be expended for the purpose aforesaid, as is herein after provided. And said town shall not be obliged to make or repair any road or highway within the limits of said city, nor shall said city be obliged to make or repair any highway or road without the limits thereof ; *provided always*, that the town of Middletown shall be liable to make, build, and keep in repair all bridges in said town, to the same extent as if this act had not been passed.

Power given to
the common
council.

May appoint a
street commis-
sioner.

SEC. 3. All moneys raised or received by said city, for the purpose aforesaid, shall be laid out and expended under the direction and control of the court of common council [the common council] of said city, to whom all powers necessary to make and repair highways, streets and roads in said city, and to make and cause to be executed, all such orders relating thereto as they shall think proper, are hereby given ; and to effect such powers, said court of common council [said common council] may from time to time, as they deem it expedient, appoint from their own number, or otherwise, a committee of one or more, whose business and duty it shall be to superintend and direct all matters relative to the making, maintenance, and repairs of highways, streets and roads in said city, and to execute and pursue such orders as said court shall give respecting the same. In case of the appointment of a committee or highway surveyor as aforesaid said city shall pay him such reasonable compensation for his services as said court of common council [said common council] shall from time to time determine and fix ; the same to be paid in the same manner as other charges against said city.

SEC. 4. This act shall take effect as a public act.

Amending the Charter of the City of Middletown.

May, 1856.

Name of the
corporation
changed.

Be it enacted by the Senate and House of Representatives in General Assembly convened : SEC. 1. The Corporation now existing and known by the name of "*The Mayor, Aldermen, Common Council and Freemen of the City of Middletown,*" shall be, remain, and continue, a body politic and corporate by the name of "*The Mayor, Aldermen, Councilmen, and Freemen of the City of Middletown,*" and by that name shall have perpetual succession, and be persons in law capable of suing and being sued, pleading and be-

ing impleaded, defending and being defended, in all courts and places, in all manner of actions, suits and complaints whatsoever, and to take, purchase, hold, receive and enjoy, and to sell, lease, mortgage, dispose of, and convey in fee simple, or otherwise, any and all property, real, personal, or mixed, and may have a common seal, with power to alter the same at pleasure, and shall have, and continue to exercise and enjoy all the rights, immunities, powers, privileges, and franchises now belonging to it, and shall be subject to all the duties, liabilities, and obligations now resting upon it, except so far as is herein otherwise expressly provided.

SEC. 2. That the limits of said city of Middletown, be and the same are hereby defined and established as follows, viz: Begin—City limits. Beginning at the mouth of Little river, or Ferry river, now called Sebethle, thence in a direction north, forty five degrees east, to the east side of Connecticut river, at high water mark: thence following said high water mark southerly along the east bank of said Connecticut river to Bodkin rock, situated at the entrance to the narrows on said river; thence across said Connecticut river in a direction south, thirty degrees west, to high water mark on the south bank of said river; thence westerly, following the line of high water mark along the south and west banks of said river to the mouth of Sumner's or Pameacha creek; thence southerly and westerly, as said creek runs, following the main or westerly branch thereof to the mouth of a small stream which flows into said branch from Warwick's ravine, not far below the dam at the north end of the upper Pameacha pond; thence up said small stream to the highway leading to Middlefield, near the south end of High street: thence due west to West river, formerly called Mattabesett, or Little river; thence northerly and easterly, down said West river as the same runs, to its junction with Little river, in the meadows; thence down said Little river as the same runs, to the place of beginning at its mouth; including the waters of said West and Little rivers, Sumner's or Pameacha creek, and Connecticut river, within the preceding limits; the courses of the several lines given above in degrees, being their course or bearings as compared with the true or astronomical meridian.

SEC. 3. There shall be a meeting of the electors of said city Annual city meeting. holden annually on the third Monday in January in each year for the purpose of choosing a mayor, (whenever a mayor is to be chosen under the subsequent provision of this section,) four aldermen, eleven councilmen, a recorder, a clerk, treasurer, city assessor, collector of city taxes, city attorney, two sheriffs, and eight constables who shall have the same powers as town constables, all of whom, or so many as each of the electors of said city choose to vote for, shall be voted for on one ballot, having their names, with the office for which they are respectively intended, written or printed thereon; and the persons having the greatest number of ballots shall be declared to be elected, and the several aldermen, councilmen, and sheriffs shall be deemed elected in the

Officers to be elected.

Order of precedence. prece- order, and shall take rank and precedence according to the number of ballots they may receive for their said offices, without regard to the position of their names on any of the ballots. But in case of an equality of votes for either or any of said officers so elected, then the common council shall determine the rank and precedence of said officers by ballot at the first regular meeting of the common council thereafter, and in case there shall be an equality of ballots for any of the officers of said city, so that there is no election of any particular officer or officers, then a new election shall be holden on the same day of the next succeeding week, at the same hour of the day, to supply such vacancy or vacancies. (The mayor shall be elected biennially—the first election to be at the annual meeting in January, 1858.) All officers of said city, other than those above named, except as is herein otherwise expressly provided for, shall be chosen by the common council of said city, and all the officers of said city shall hold their respective offices until others shall be duly appointed and qualified in their places.

Mayor's election biennial.

Organization of common council.

Power to make by-laws.

SEC. 4. The mayor, aldermen, and councilmen of said city shall constitute and be a body known and denominated "*The Common Council of the City of Middletown*," nine of the members of which including the mayor, or person acting as mayor for the time being, shall, at all meetings warned and held according to law, constitute a quorum for the transaction of any business that may properly come before them, and the common council so convened shall have power, by a major vote of those present, to make and ordain by-laws or ordinances :

Relative to markets and commerce within the limits of said city ;
Relative to persons to attend and serve as jurors in said city ;
Relative to the streets, highways, public grounds, sewers, drains and gutters of said city, and relative to making, paving, repairing and using the same ;

Relative to hacks, carriages, carts, trucks, and other vehicles, and the prices for the transportation of persons and property therein, within said city ;

Relative to the manner of warning meetings of said city and common council, and the time and place of holding the same ;

Relative to noise and disturbance in the night season ;

Relative to licensing cartmen, truckmen, butchers, bakers, and the weight of bread, petty grocers or hucksters, and common victualers, under such restrictions and limitations as to said common council may seem necessary and proper ;

Relative to all nuisances in said city ;

Relative to encumbrances on railroad tracks and the speed of railroad trains in said city ;

Relative to telegraph lines, and to wharves and the anchoring, moving and mooring of vessels, within the limits of said city ;

Relative to the planting and preservation of trees in the public streets and grounds of said city ;

Relative to trespasses upon persons or property, public or private, in said city ;

Relative to walks, buildings, landing places, public and private, in said city ;

Relative to fires, and means of preventing the same ;

Relative to gunpowder ;

Relative to fire crackers, and other fire works ;

Relative to fire arms, and the firing thereof, and of cannon, within the limits of said city ;

Relative to the beating of drums, and the ringing of bells within said city ;

Relative to water works and the water fixtures of said city, and the use of the same ;

Relative to the cleanliness and health of the said city ;

Relative to gas, gas fixtures, and public lights of said city, and use of the same ;

Relative to the oaths and bonds of the officers of said city, to secure a full and faithful discharge of their duties ;

Relative to all fines and penalties incurred by any breach of any of the by-laws, ordinances or lawful orders of the common council of said city ;

Relative to the city watch ;

Relative to the burial of the dead and the protection and preservation of the public burial grounds, and the fences, posts, railings, monuments, trees and shrubbery within and around the same ;

Relative to the restraint of all kinds of animals from going at large within the limits of said city ;

Relative to the removal and disposal of all nuisances, incumbrances and obstructions in the streets, highways, walks and other places in said city,

And relative to any and all other subjects that shall be deemed necessary and proper for the protection and preservation of the health, property and lives of the citizens,

And to inflict penalties for the breach of any and all such by-laws, ordinances and orders of the common council ; provided that no greater penalty shall be inflicted for any one violation of any one by-law, ordinance, or order of the common council, than a fine of one hundred dollars, and the forfeiture of goods and chattels of the value of one hundred dollars ; provided that all the by-laws made by said common council shall be approved by said city in legal meeting assembled, and after being so approved shall be published at least three weeks successively in at least one newspaper in said city, before the same shall be of any validity ; always provided that no by-laws of said city shall be made repugnant to the laws of this state or the United States ; and that the by-laws of said city shall at any time, upon application made within six months after they are made, be liable to be repealed by any superior court holden in Middlesex county, if by such superior court, on a hearing, the same be adjudged unreasonable and unjust.

Limitation of penalties.

By-laws to be approved and published.

May be repealed by superior court.

SEC. 5. The common council shall constitute and be a board of health in said city, and as such, shall have and execute all such power and authority as shall be necessary and proper for the promotion and preservation of the health of the citizens and the prevention of the spread of disease, and may make and cause to be executed all such orders in relation thereto as may be necessary and proper, and may appoint such health committee or committees, with such power and authority in relation thereto as they shall judge expedient ; and the common council or such health committee in said city may cause all filthy, putrid or unhealthy substances of every kind, and all other substances which they shall deem injurious to the health or cleanliness of its citizens, to be removed at the expense of the proprietor or proprietors, or occupants of the land or building in, upon or in front of which said substance may be, or of the person or persons causing, suffering or continuing the same ; and for that purpose may after giving reasonable notice to the proprietor or occupant, enter into and upon all lands and buildings of every description, and into all vessels, boats, cellars and other places in said city. And said common council or committee may, after giving reasonable notice to the proprietor or occupant, cause all docks in said city to be cleaned out, filled up or altered, when necessary, for the preservation of the health of the city, at the expense of the owners or occupant or occupants thereof, or the proprietor or proprietors, or occupants of the land or lands and buildings fronting said docks. And the said common council shall liquidate, adjust and apportion the expense of cleaning out, filling up or altering the same among the persons liable to pay the same, after giving them reasonable notice to appear and be heard in relation thereto, and may thereupon order the same to be paid by each person accordingly.

SEC. 6. The common council of said city shall have power and authority to lay out new highways, streets, public walks, public avenues and public landing places in said city, and to alter, extend or enlarge any highway, street, public walk, public avenue, or public landing place in said city, and to discontinue or exchange the same for other highways, streets, public walks, public avenues or public landing places in said city, and to make and cause to be executed all such orders relating thereto as shall be proper and necessary. Any public highway, public street, public avenue, public walk, or public landing place in said city, may be opened or laid out by any individual with the consent of the common council previously thereto had and obtained, expressly authorizing the same to be done, and the same shall become and be a public highway, public street, public avenue, public walk or public landing place, whenever the same shall be so opened and laid out, and a survey and particular description thereof shall be made by the party so opening the same, and shall be approved and accepted by the common council and recorded in the records thereof ; but no public highway or public landing place in said city shall be opened or laid out by any individual, unless by a vote of a majority of the common council previous-

Common council a board of health.

Health committee, their power and authority.

Removal of substances injurious to health.

Cleaning of docks.

Power of the common council in relation to highways, streets, &c.

Highways opened by individuals must be authorized by a major vote of the common council.

ly thereto, expressly authorizing the same to be done ; and a survey and particular description of the same made by the party opening the same, be accepted by the common council and recorded in the records thereof.

SEC. 7. Before the common council shall determine to lay out, alter, extend or enlarge any highway, street, public walk, public avenue or public landing place, in said city, they shall submit the same for approval to a city meeting duly and specially warned for that purpose, and if approved, they shall give notice to the owner or owners of the land upon, over or through which the same is intended to be laid out or altered, to appear before said common council, and be heard in relation thereto, which said notice shall be in writing, signed by the mayor, or one of the aldermen of said city, and shall be served by reading the same in the presence and hearing of said owner or owners, or in their absence from, or residence without the state, in the presence and hearing of the occupant, or person having the care of the same, or by leaving a true and attested copy at his or their usual place of abode, by either of the sheriffs, or by any indifferent freeman of said city, at least ten days before the meeting of said common council on said subject ; and thereupon, at the time and place mentioned in said notice, and at any regular adjourned meeting therefrom, said common council shall hear all the parties in interest, that may appear before them ; and if after such hearing, said common council shall determine to lay out, alter, extend or enlarge said street, highway, public walk, public avenue or public landing place, then it shall be the duty of said common council by themselves or a committee by them appointed for that purpose, to make such lay out or alteration, and to agree with the persons specially interested therein respecting the damage or benefits, as the case may be, resulting to them respectively from said lay out or alteration ; and in case said common council or said committee cannot agree with all said persons respecting said damages and benefits, then it shall be the duty of the mayor, or in his absence of the senior alderman present in said city, to appoint three judicious and disinterested freeholders of said city to estimate and appraise the damages that may be sustained by any person or persons with whom said common council or committee cannot agree, above and upon the special benefits he or they may receive from said lay out or alteration, and also to estimate and appraise the benefits that may accrue to any other person or persons with whom said common council or committee cannot agree, above and beyond the damages sustained by him or them by said lay out or alteration, and report said damages and benefits, and the persons to whom they respectively belong, thus ascertained, to the common council. Before said freeholders shall proceed to execute the duties of their said appointment, they shall be sworn to a faithful and impartial discharge of their said duties by the person so appointing them, and a cer-

Highways, &c
to be first approved in city meeting.

Notice to owners of land.

How served.

Common council to agree with owners of land respecting damages or benefits.

Appraisers, when appointed.

Must be sworn and a certificate made and recorded.

Must give notice to parties interested, tificate of their said appointment, and the administration of said oath, shall be made under the hand of the person thus appointing them, and recorded in the records of the common council. And it shall be the duty of the said freeholders to give notice to the parties specially interested in said lay out or alteration, in the same manner as in this section is above provided, to be present at such time and place as shall be designated in said notice, to be heard in relation to the assessment of said damages and benefits, and at the time and place mentioned in said notice and at any other times and places to which said freeholders may adjourn therefrom, said freeholders shall proceed to hear the parties in interest who may appear before them, and shall thereupon ascertain and determine what person or persons will be damaged by said lay out or alteration, and the amount thereof over and above any special benefits he or they may receive thereby, and also what other person or persons will be specially benefited by said lay out or alteration, and the amount thereof over and above any damages he or they may receive thereby, and they shall thereupon report the amount of the damages and benefits thus ascertained and determined, and the names of the persons to whom the same belong respectively, to the common council, who may accept said report or return the same to said freeholders for their reconsideration and correction ; and upon the acceptance of said report

Shall report to the common council the amount of damages and benefits determined. it shall be the duty of the clerk of the common council to record the same in the records of the common council and give notice thereof to the parties interested therein accordingly ; *provided*, that the whole amount of benefits assessed for any particular lay out or alteration shall not exceed the whole amount of damages assessed on account of said lay out or alteration.

Common council may direct a reconsideration of report. And the common council shall order the damages thus assessed and determined to be paid to the persons to whom they belong respectively, out of the treasury of said city, and shall order the benefits thus assessed and ascertained to be paid by the persons upon whom they are assessed respectively into the treasury of said city, within such time as they shall judge just and reasonable to limit and appoint ; and the assessments of benefits so made shall be and remain a lien upon the land on which they are respectively made, and in default of payment of the same, may be collected out of said land in the same manner as town taxes are collected ; and it shall be the duty of said common council to make a survey of said lay out or alteration, with a particular description thereof, which being accepted by the common council, shall be signed by the mayor, or in his absence, by the senior alderman present in said city, and recorded in the records of said common council ; and the said common council shall limit the time within which said street, highway, public walk, public avenue or public landing place so laid out or altered, shall be opened, and at the expiration of the time so limited, may adopt any or all such measures, and make

Payment of damages.

Assessments of benefits a lien upon the land.

Survey to be recorded.

Common council to limit the time for opening a highway.

and cause to be executed all such orders as shall be necessary and proper to appropriate the same to the purposes for which the same was laid out or altered; provided that no street, highway, public avenue or public landing place, shall be opened, until the damages assessed shall be paid or deposited in the city treasury for the use of the person to whom the same may belong.

Damages to be deposited in the city treasury.

SEC. 8. All persons aggrieved by the estimate of freeholders, or of damages occasioned by any lay out, alteration or designation of lines made according to the provisions of this act, and all persons aggrieved by the assessments by them respectively ordered to be paid, according to the provisions of this act, may within twelve days after notice of such estimate or assessment, apply by petition to any judge of the superior court for a re-estimate of such damages or a re-assessment of the sums by them ordered to be paid, giving reasonable notice in writing to the clerk of said city, of the time and place, when and where, and the judge to whom such application will be made. And said judge shall appoint three judicious, disinterested freeholders of said city of Middletown, to re-estimate said damages or re-assess the benefits ordered to be paid as aforesaid; and said freeholders shall re-estimate said damages or re-assess the sums or benefits ordered to be paid as aforesaid, under oath, and make report of their doings to said judge, who shall have authority for any cause which he shall judge sufficient, to set aside such report, to correct the same, to order another estimate or assessment to be made, or to make such order thereon as to justice shall appertain. If upon any such application for re-estimate of damages, said damages shall be increased or the amount of benefits assessed shall be decreased by said freeholders, the cost of such application shall be paid by said city; otherwise they shall be paid by such applicant.

Persons aggrieved may apply to a judge of the superior court.

The judge shall appoint appraisers.

May set aside their report, correct it &c.

Cost of such application, how paid.

SEC. 9. The common council of said city shall be and they hereby are authorized and empowered to designate a line or lines on the lands of any proprietor or proprietors adjoining every highway, street or public walk, or public avenue already laid out, or hereafter to be laid out in said city, between which line and such highway, street, public walk or public avenue, no building or part of a building shall be erected, provided such lines shall not be more than fifteen feet distant from such highway, street, public walk, public avenue. When said common council shall so designate a line or lines on the lands of such proprietor or proprietors, they shall give such proprietor or proprietors reasonable notice to be present at the time such designation shall be made. And in making such designation, due regard shall be had to the general line of such highway, street, public walk or public avenue; and a survey shall be made by direction of said common council, containing a particular description of such line or lines, with the quantity of land on which the proprietor or proprietors are prohibited to build,

Common council may designate building lines.

Limitation of such lines.

A survey of such lines to be made and recorded.

Assessment of
damages.

which being accepted by said common council, shall be signed by the mayor or senior alderman, and recorded in the records of said common council; and the damages done to such proprietor or proprietors by such designation, shall be estimated by three judicious, disinterested freeholders of said city, who shall be appointed and sworn by the mayor, or in his absence by the senior alderman of said city, and a certificate thereof shall be made and recorded in the records of said common council, and it shall be the duty of said freeholders to make returns of their doings to the clerk of said common council, who shall record the same.

Penalties for
the violation of
Sec. 9.

SEC. 10. Any person or persons who shall contrary to the provisions of this act, erect any building or part of building, between any line designated, as is by this act provided, on any highway, street, public walk, or public avenue in said city, shall forfeit and pay for the use of said city, a fine not exceeding one hundred dollars, and in addition to such fine, all such buildings shall be annually assessed four fold in the list and ratable estate in said city of Middletown.

Common coun-
cil may con-
struct sewers.

SEC. 11- The common council of said city shall have power and authority, as they shall judge needful, to construct, or cause to be constructed, a sewer or sewers within the limits of said city, through or along any highway or highways, or public grounds in said city, or across, through, in or upon the land or lands of any person or persons, for the purpose of draining any low, wet, or swampy portion of said city. And the common council and the mayor and other officers of said city, in locating, laying out, establishing and building, and constructing said sewer or sewers, and the assessing the damages and benefits that may result to any person or persons thereby, shall have the same power and authority, and proceed in the same manner, as is herein provided in case of laying out or altering streets, highways, public walks, public avenues, or public landing places in said city.

Assessment of
damages.

Repeal.

SEC. 12. This act may at any time be altered, amended, or repealed at the pleasure of the general assembly.

This act must
be accepted.

SEC. 13. This act shall be to all intents and purposes a public act, and shall not take effect until the same shall be accepted by said city of Middletown, at a city meeting specially called for that purpose, and it shall be the duty of the clerk of said city to cause a certified copy of the vote of acceptance to be recorded in the office of the secretary of state.

PART II.

GENERAL ACTS IN RELATION TO CITIES.

Offenses against Decency and Morality.

June 5, 1830.

From the Statutes, Compilation of 1854, page 341.

SEC. 138. [Anatomical or surgical experiments upon dead bodies in any medical institution or appurtenances, except under certain restrictions, prohibited.]

SEC. 139. The mayor and two senior aldermen of any city, ^{Inspection of} and the selectmen of any town in which such college, academy, ^{colleges, &c.} school, or medical institution, may be located, shall have authority, at all times, to enter and inspect every part of such building.

An Act Authorizing the Inspection of Leather, Hides and Skins.

June 9, 1841.

From the Statutes, Compilation of 1854, page 627.

SEC. 33. The several cities in this state may make by-laws regulating the inspection of leather, hides and skins, within their respective limits. *Provided*, that no penalty imposed for ^{Inspection of} the violation of any such by-law, shall exceed twenty dollars ^{leather, &c} for one offense.

An Act concerning the Driving of Carriages and the Management of Steamboats.

June 20, 1848.

From the Statutes, Compilation of 1854, page 399.

SEC. 4. The court of common council of the respective cities of this state, may, from time to time, make such orders, rules and ordinances as they may deem necessary for the regulation of the public hacks or other public carriages for the conveyance of passengers in said cities respectively ; may establish the rates of fare for the conveyance of any passengers to or from any steamboat landing or railroad depot or station, or other place or places within the limits of such city ; may assign and establish suitable and convenient stands for such hacks, or other public carriages, in the streets, at the steamboat landings and railroad stations, in such cities respectively ; may make all necessary rules and orders for the safe and orderly occupation of such stands ; may prescribe such penalties for each and every violation of any such order, rule, ordinance or regulation, as they may deem proper, not exceeding thirty-four dollars for any one offense.

Common council may regulate public hacks and carriages, and establish rates of fare without the concurrent action of a city meeting.

Penalty.

Regulations must be published.

SEC. 5. All such orders, rules, regulations and ordinances, shall be certified by the clerk of said common council, and published in one or more newspapers published in said cities respectively, at least once a week, for three weeks before the same take effect.

SEC. 6. Every driver, owner or person having charge of any public hack, or other carriage for the conveyance of passengers, who shall refuse to conform to any such order, rule, regulation or ordinance, so made and published as aforesaid, or who shall in any respect violate any such order, rule, regulation or ordinance, so made and published, shall forfeit and pay to the treasurer of the city to which they shall respectively belong, such fine as shall be by said court of common council prescribed therefor.

Penalty.

Penalty, what and how enforced if not paid within thirty days.

IN ADDITION, JUNE 22, 1850. That whenever final judgment shall be rendered against any person, under and by virtue of the sixth section of the act to which this is an addition, for the fine or forfeiture thereby incurred and for costs, if such person shall not pay the same within thirty days after the judgment shall be rendered, he shall be committed to the work-house in the town where he dwells, to be kept at hard labor not exceeding twenty days, or the county jail in the county where the defendant dwells, there to be kept in close confinement not exceeding a like term of twenty days ; and the court before which judgment shall be had, shall issue execution accordingly. *Provided*, that in case the person thus committed shall be unable

to pay the expense of his support in the work-house or jail, the same shall be paid by the plaintiff : and provided also, that if such person shall pay such execution, costs, and expenses, he shall be thereupon released from the work-house or jail. Proviso, relative to support under imprisonment.

Offenses against Public Policy.

June 27, 1848.

From the Statutes, Compilation of 1854, page 329.

NINEPIN ALLEYS.

SEC. 105. Every person who shall keep in his custody or possession, or in any house, or building, or its appurtenances, or in any place in his occupation, any ninepin alley, so called, or place in his occupation, any ninepine alleys, so called, or place for playing bowls, skittles, or nine pins, whether more or less than nine pins are used in such play, shall be punished by fine, not exceeding fifty dollars, nor less than seven dollars. *Provided*, that the selectmen, or a major part of the selectmen, of any town, may, by an instrument in writing under their hands, authorize such an alley to be kept at any place in their respective towns, not included within the limits of any city, or borough, duly incorporated by the laws of this state ; and the mayor, aldermen, and common council, of any such city, or a majority of them, or the wardens and a majority of the burgesses of any such borough, may, in like manner, authorize such an alley to be kept at any place in such city, or borough, respectively, when said selectmen, or other authorities, shall be satisfied the same will be used solely for the purpose of health and recreation, in which case said penalty shall not be incurred ; and it shall be the duty of said selectmen, or said other authorities, to revoke the liberty given by them, whenever any such alley shall be used contrary to the intent of this section. One half the penalty recovered, and actually received, from any person for any violation of this section, shall be paid, under the order of the court having cognizance of the offense, to the person who shall complain, and furnish evidence, to any informing officer, of such violation. Ninepin alleys prohibited unless licensed by town, borough or city authorities. Penalty \$50. May be licensed for certain purposes only. Penalty, how disposed of.

BILLIARD TABLES.

SEC. 106. Every person who shall keep in his custody, or possession, or in any house, or building, or its appurtenances, or in any place in his occupation, one or more billiard tables, shall be punished by a fine, not exceeding two hundred dollars. *Provided*, that the selectmen and grand jurors of any town, or the major part of such selectmen and grand jurors, may, by an instrument in writing under their hands, authorize one or more Billiard tables prohibited, unless licensed by town, borough or city authorities. Penalty \$200.

May be licensed
for certain pur-
poses only.

billard tables to be kept at any place in their respective towns, not included within the limits of any city, or borough, duly incorporated by the laws of this state ; and the mayor, aldermen, and common council, of any such city, or a majority of them, or the warden and a majority of the burgesses of any such borough, may, in like manner, authorize one or more billiard tables to be kept at any place in such city, or in such borough, respectively, when said selectmen, or said other authorities, shall be satisfied the same will be used solely for the purposes of health and recreation, in which cases said penalty shall not be incurred ; and it shall be the duty of said selectmen, and grand jurors, or said other authorities, to revoke the liberty by them given, whenever they shall be satisfied that such table or tables, are used contrary to the intent of this section. One half the penalty recovered from any person for a violation of this section, shall be paid, under the order of the court having cognizance of the case, to the person who shall complain, and furnish evidence of such violation.

Penalty how,
disposed of.

An Act in addition to "An Act concerning Communities and Corporations."

June 22, 1849.

CITY MEETINGS. OBJECT TO BE SPECIFIED.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Warnings of
city meetings
shall specify
their objects.

Every warning of any meeting of any borough, city, ecclesiastical society, school society, school district, or other public community, shall specify the objects for which such meeting is to be held.

An Act relating to Firemen.

June 25, 1852.

EXEMPT FROM JURY SERVICE.

Be it enacted by the Senate and House of Representative in General Assembly convened :

Firemen ex-
empt from mil-
itary or jury
service and poll
tax.

SEC. 1. That all persons who shall be members of any fire company, authorized by and organized under the laws of this state, and all persons who shall be engineers, or wardens of any fire department, in any of the towns of this state, shall during the time of such service be exempt from serving as jurors in

any of the courts of this state, from the payment of poll taxes, See page 38.
and from the performance of military duty except in the case
of war or insurrection.

EXEMPTION AFTER SIX YEARS' SERVICE.

SEC. 2. All persons who, after the passage of this act, shall
serve six successive years in the above-mentioned capacity of
firemen, or as engineer and warden, shall be and remain there-
after exempt from the performance of military duty, except in
the case of war or insurrection, from serving as jurors in any of
the courts of this state, and from the payment of poll tax in the
town in which such duty and service is performed. Firemen, after six years' service, finally exempt from military or jury service or poll tax.

SEC. 3. All acts and parts of acts inconsistent herewith, are
hereby repealed.

An Act for the Suppression of Intemperance.

June 22, 1854.

SUCH PARTS AS RELATE TO CITIES.

SEC. 19. Every selectman, and every constable, within his
own town, and every mayor and every alderman, within his
own city, shall have the same powers as a grand juror, to in-
stitute and conduct prosecutions for all violations of this act;
and the fees of such selectman, constable, mayor or alderman,
for such services, shall be the same, and shall be paid in the
same way, as fees of grand jurors for like services. "Maine Law." Mayor or aldermen may prosecute in cities.

IN ADDITION, 1854. SEC. 1. In all cities the judges (a) of
[the] police courts and [* *] other courts and the [* *] may-
ors, aldermen and other officers, who now have or may hereafter
have jurisdiction in any criminal cases, shall severally and in-
dividually have and exercise within their respective cities, con-
currently with justices of the peace, on and after the 1st day
of August, 1854, the same criminal jurisdiction and the same
powers and duties which justices of the peace in the several
towns will, after said first day of August next, have and exer-
cise under the provisions of "An Act for the Suppression of In-
temperance," passed at this present session, and such other
acts as have been or shall be passed in addition to or in altera-
tion thereof. And from the judgments of such judges, mayors,
aldermen and other officers, an appeal may be taken to the
county (b) courts in the same manner and upon the same con-
ditions as from the judgments of justices of the peace in like
cases under said act; and such appeals shall be by said county
courts disposed of in the same manner as appeals from the jus-
tices of the peace under said act. SEE COMPILATION OF 1854, PAGES 830, 834 (a) See page 38. Judges of police or other courts or city officers having criminal jurisdiction, may have jurisdiction of offenses against Maine law.

Appeals, how taken.

(b) SUP. COURT. ACT OF 1855.

SEC. 2. * * * All justices of the peace residing within

Jurisdiction of any city, shall, after said "Act for the Suppression of Intemperance" shall have taken effect, have and exercise the same criminal jurisdiction, and the same powers and duties which justices of the peace in the several towns may then have and exercise under the provisions of said last named act, or any other act in addition to or in alteration thereof. [The provisions of any other private or public act to the contrary notwithstanding.]

An Act granting Jurisdiction to Police Courts.

June 28, 1855.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That in the several incorporated cities of this state, in which jurisdiction in certain criminal cases is committed by law to police courts, said police courts shall have and exercise within said cities, concurrently with justices of the peace, the same criminal jurisdiction, and the same powers and duties, which justices of the peace have and exercise, under the provisions of an act passed May session A. D, 1854, entitled "An Act for the Suppression of Intemperance."

Police courts to have jurisdiction of offenses under the Maine law.

An Act in alteration of an Act entitled "An Act for Forming and Conducting the Military Force."

June 29, 1955.

FIREMEN EXEMPT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That all persons belonging to any regularly organized fire engine, hook and ladder company, or sack and bucket company, in any city or town in this state, and regularly doing service therein, shall not be subject to military duty, but are declared to be exempt therefrom, and entitled to the benefits of the fifth section of the act (a) of which this act is an alteration.

Firemen exempted from military duty, and from commutation tax.

(a) COMPILATION 1854, PAGE 660.

SEC. 2. This act shall take effect from and after its passage.

An Act concerning Amendments of Charters of Cities and other
Incorporated Companies.

June 29, 1855.

CERTAIN ACTS MADE VALID.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That all alterations or amendments of the charter of any city, or other corporation of this state, heretofore made, which by law were required to be accepted within any specified time, or in any specified manner, shall together with the doings of the corporation under the same, notwithstanding any failure or neglect to accept the provisions thereof during such period, be, in all respects, as valid and binding upon such city, or other corporation, and the inhabitants or members thereof, as though no such failure, neglect or informality had intervened. *Provided,* such alteration or amendment shall have been, afterward, duly accepted. *Provided, however,* that this act shall not affect any suit or action now pending.

Former acts relative to cities and other corporations binding, although not formally accepted.

Provido.

An Act in addition to "An Act in alteration of an Act relating to Courts," passed May Session, 1855.

June 29, 1855.

SO FAR AS IT RELATES TO CITIES.

SEC. 1. The powers and jurisdiction of the several city courts in this state shall not be affected by any of the provisions of the act to which this is an addition, but all the powers conferred and duties imposed upon said courts, or the officers thereof, whether at this or any preceding session, and all laws in respect to costs and fees in said courts, shall be construed in the same manner as if the county courts had not been discontinued.

Powers and duties of city courts not affected by act of 1855, discontinuing county courts.

An Act in addition to an Act relating to Courts.

June 30, 1855.

CITY COURTS. WRITS OF ERROR.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. Whenever final judgment or decree is rendered in

Writ of error from city court, how obtained.

any city court in this state, in any cause in which a party may be entitled to a writ of error, to the superior court, such party may, in the same term, and within twenty-four hours after the final judgment or decree, file the motion, that the record in such cause may be transmitted to the next superior court in the county where such city court is held, and thereupon such city court shall have the same powers with reference to such motion as are given

* No such section. See CIVIL ACTIONS, SECTION 166, AS THE PROBABLE ONE.

to the superior court in 166th section* of the act to which this is an addition, upon similar motions in the superior court for the transmission of records to the supreme court of errors, and upon the allowance of such motion, a copy of the record shall be entered on file in the next superior court for such county, which shall proceed therein, as on a writ of error, and said city court may, upon allowing said motion, stay execution whenever it shall think proper so to do.

SEC. 2. [Relates to the city of Hartford.]

An Act in alteration of "An Act concerning Crimes and Punishments."

June 30, 1855.

THEATRICAL AND OTHER EXHIBITIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Theatrical and other exhibitions may be allowed by common council and other town and borough officers.

That the mayor, aldermen and common council of any city, and the warden and burgesses of any borough, or a majority of them, and the selectmen of any town, shall have power to allow and regulate, under such terms and conditions as they shall see fit to prescribe, any theatrical or other exhibitions, except circuses, within their respective cities and boroughs, any law to the contrary notwithstanding.

An Act in addition to an "Act concerning Highways and Bridges."

July 1, 1856.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Whenever any highway or street has been laid out, or shall hereafter be laid out by the court of common council of the city in which such highway or street is situated, and the land damages have been or shall be assessed in favor of the owners of the lands over which such highway or street is laid, and such highway or street has been or shall be legally discontinued before the same shall have been opened or worked, then no action shall be brought against the city in which such highway or street is situated for the recovery of such assessment, but the same shall become void; provided that the owner of the land over which such highway or street is laid, may recover of said city the actual damages, which he may have suffered in consequence of the laying out of such highway; such damages to be recovered by an action on the case founded on this statute, provided also, that this act shall not affect any suit now pending.

When highway, &c., is laid out and is discontinued before opening the assessment of benefits and damages to become void.

Actual damages may be recovered by suit.

An Act in alteration of An Act concerning Highways and Bridges.

July 1, 1856.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. Nothing in the 21st section of the act, of which this is an alteration, shall authorize the selectmen of any town, to lay out any public highways within the limits of any incorporated city in said town; but the laying out, discontinuing, altering and grading highways and streets in said cities, shall be done solely by the proper authorities thereof, according to the provisions of their respective charters.

Selectmen of towns not authorized to lay out highways within city limits.

SEC. 2. The twenty-ninth section of the act of which this an alteration is hereby repealed, Provided that said repeal shall not affect any proceeding now pending. [The part relating to New Haven is omitted.]

Repeal.

An Act to prevent Incendiary Fires.

June 27, 1857.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Common council may appoint fire marshal.

SEC. 1. That the mayor, aldermen and common council of each city, and the wardens and burgesses of each borough in this state, may appoint a fire marshal for each of their several incorporations, who shall hold his office for one year. That said fire marshal shall have power to inquire into the cause of any fire which may happen in the limits of the corporation for which he is appointed, on being requested so to do by a proper officer of said corporation, or by any one interested in the property burned, at the expense of the applicant. Said marshal may summon witnesses to appear before him at such times and places as he may designate, and examine said witnesses on oath, touching said fires, and shall make a report of his examination, and the facts found by him to the clerk of the city or borough for which he is appointed.

Marshal to inquire into cause of fire and report.

Power of marshal conferred on justice of peace.

SEC. 2. In case any fire shall happen in this state out of the limits of an incorporation in which there may be a fire marshal any person interested in the property burned, may apply to any justice of the peace in the town where said fire has taken place, and said justice, in like manner as is provided in the first section of this act, and at the expense of the applicant, may summon witnesses before him, and examine them on oath in relation to said fire, and shall find the facts as they may be proved before him, which finding shall remain in the files of his office.

Fees.

SEC. 3. The fees of such fire marshal or justice of peace, while engaged in investigating the cause of any fire as aforesaid shall be two and one half dollars per day ; witness fees, subpoenas, and the service of subpoenas, shall be the same, as are allowed in the superior court.

BY-LAWS.

BY-LAW I.

MAYOR AND COMMON COUNCIL.

Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Freemen of the City of Middletown :

SEC. 1. The mayor shall be the chief executive officer of the city, and as such shall have a general supervision of the affairs of the city. He shall preside at all meetings of the common council and of the freemen of the city, and shall call meetings of the common council whenever in his opinion their action or advice is needed for the good government of the city, and when the common council is thus assembled, he shall make such suggestions and recommendations as in his judgment will most conduce to the best good of the city ; and at the close of each year of his service, he shall make a statement in writing of the condition of the affairs of the city, addressed to the freemen thereof, with such suggestions and recommendations relative to the condition of the city, and proper administration of its affairs, as in his judgment may be needful and proper. In the performance of his duties all subordinate officers will give him their active cooperation and support, and he will exercise such powers for the preservation of peace and good order in the city as are devolved upon him in the charter and public acts relating to the city, and in the by-laws of the city.

Powers and duties of mayor.

Mayor's report.

SEC. 2. In the event of the absence or inability of the mayor, the duties devolving upon him by by-law, shall be performed by the senior alderman, or by the alderman highest in rank and precedence in the city as designated in Sec. 3, of the Act amending the City Charter, passed May session, 1856, and said alderman is to be obeyed and respected accordingly.

Senior alderman to act in absence of mayor.

SEC. 3. Meetings of the freemen of the city shall be held at the most convenient place within the limits of the city. The city clerk shall attend all such meetings and keep an accurate record of proceedings ; which record and all papers of importance relating to said meetings shall be carefully preserved by the clerk and be deposited for safe keeping in such place as the common council shall direct. The clerk shall, previous to any meeting for the election of Officers prepare for use at such meeting a list of persons entitled to vote therein.

City meetings where held.

City clerk, his duties.

SEC. 4. The common council shall assemble for the transaction of business as often as once every month and oftener if re-

quired by the mayor as provided in Sec. 1, or if demanded by a majority of their number. The order in both cases to be in writing, to be served by the city sheriff in the usual manner of serving writs by summons, service to be made at least three hours before the time fixed for any meeting.

Meetings of the common council how warned.

SEC. 5. The proceedings of the common council shall be recorded in a book or books to be provided for the purpose, and all important reports, and documents relating to the affairs of the city shall be carefully preserved. The city clerk shall be clerk of the common council unless otherwise directed by the common council, and shall receive such compensation for his services as the common council shall deem to be just and proper. The clerk shall be notified, as provided above, of all meetings of the common council, and in case of his absence or inability the common council may appoint from one of their number a clerk

Records of the common council.

Clerk of the common council.

Clerk *pro tem.* *pro tem.*

SEC. 6. The meetings of the common council shall be held in the common council room of the city, unless there shall exist an urgent necessity for meeting in some other place, and it shall be the duty of the common council to see that the council room is kept in proper condition for the safe keeping of books, maps, documents and whatever else may be proper to be preserved in the archives of the city, and in case there shall be no fire proof safe in said council room or in the room occupied by the clerk, the records and whatever else shall be most valuable shall be deposited, when not in use, by the clerk in some fire-proof safe, approved by the common council, convenient of access to said council room.

Common council room.

Preservation of books, papers, &c., belonging to the city.

City meeting, how called by common council.

SEC. 7. The common council shall have power by a major vote of their number to call a meeting of the freemen of the city. The order therefor shall be in writing, signed by the mayor and addressed to the city clerk, who shall cause notice of such meeting to be printed with large type and posted in the most conspicuous places in said city, at least two days before the time fixed for such meeting, and shall also cause the same to be published by an insertion in such of the newspapers of the city as may be issued prior to said meeting. Meetings of the freemen of the city shall also be called in a similar manner whenever the mayor shall be requested so to do by the written petition of not less than fifty in number of the freemen of the city. Notices of the annual meeting of the freemen of the city for the election of officers shall be posted as above and published in all the city papers at least once prior to said meeting.

By request of citizens.

Notices.

Penalty for neglect to serve as aldermen or councilman.

Another election.

SEC. 8. If any person elected to the office of alderman or councilman shall refuse, or if he shall neglect to take the oath of office as prescribed, for two months after being thus elected, he shall pay a fine into the city treasury of five dollars, and his election shall be considered void, and the common council may proceed to call a city meeting to make another election.



Seal of the city.

SEC. 9. The city shall have a corporate seal, the devise upon which shall be as follows: In the foreground, a railroad locomotive with implements of agricultural, manufacturing and mechanical industry. In the middle ground a river bearing on its surface, a steamer and other vessels and in the back-ground the rising sun with a landscape—the whole to be surrounded by the words "City of Middletown, Connecticut," of which device the annexed figure

is a representation; which seal shall be kept by the Mayor and shall only be appended to such documents as require the signature of the Mayor or alderman acting as mayor.

BY-LAW II.

POLICE.

Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Freemen of the city of Middletown:

SEC. 1. The first sheriff shall have, under the direction of the Sheriff, to have mayor, the command of the entire constabulary and police force of control of police force. the city, including constables, special constables and watchmen, and he shall be active and vigilant in suppressing all irregularities

and in preserving peace and good order within the limits of the city, and shall make report to the mayor from time to time as may be required of his doings, He shall have charge of the city prison or watch house and its furniture, and the supplying of the same with the necessary light and fuel, and the inmates, if any, with necessary food at the expense of the city. To preserve order in city. To have charge of watch-house

SEC. 2. It shall be his duty, in addition to the powers and duties devolving upon him under the city charter and its amendments; To attend on the city or recorder's court, for which service he shall receive such compensation as said court may deem proper, not exceeding two dollars per day. To attend on the city court.

To serve notices of meetings of the common council as prescribed above in Sec. 4, by-law I; To warn meetings of common council.

To cause the city bell to be rung on occasions of city meetings, as directed by the common council; To ring bell.

To be present at all fires in the city, to assist thereat in the pre-

To be present at fires. preservation of order and in the protection of property, at which said fires he shall wear his distinguishing badge ;

To attend meetings of common council and city. To attend all meetings of the common council and of the freemen of the city, and to see that the halls for such meetings are in suitable condition and properly lighted and warmed, and to be present at the opening of such meetings and remain until they are closed unless sooner excused.

Absence or inability of first sheriff. SEC. 3. In case of the absence or inability of the first sheriff the powers and duties devolving upon him as above shall be exercised and performed by the second sheriff, and in the absence or inability of both of the sheriffs, the constable first named on the list of city constables shall perform the said duties and exercise the said powers as far as allowable under the city charter and public acts of the State.

Sheriff's bond. SEC. 4. Each sheriff shall give a penal bond for the faithful performance of the duties of his office with such surety as the mayor shall approve. The amount of the bond to be not less than five hundred dollars. The sheriffs for services rendered shall receive such compensation as may be deemed proper by the common council in those cases where their compensation is not fixed by the laws of the State.

Sheriff's compensation. SEC. 5. The constables, special constables, and watchmen, shall be vigilant in preventing and suppressing all irregularities within the limits of the city, by which the peace and quiet of its citizens are disturbed, and the safety of property endangered, and shall hold themselves in readiness at all times to respond to the call of sheriffs, or of the mayor for assistance, and shall obey promptly all such orders as they may receive from those officers. The constables and special constables shall be present at all fires in the city to assist the sheriffs in the preservation of order and the protection of property, and for service rendered by them they shall receive such compensation as the common council shall deem to be just and proper.

To be present at fires. SEC. 6. All officers charged with the preservation of the peace of the city shall wear when on duty at fires, or at meetings of the common council or of the freemen of the city, their distinguishing badges as prescribed by the common council.

Compensation. SEC. 7. If any person shall beat or cause to be sounded any drum or fife, or shall discharge or cause to be discharged any pistol, gun or piece of ordnance, or fireworks, or ring any bell, or blow any steam whistle, or by any other means or instruments shall cause or produce within the limits of the city any noise of like character, to the annoyance and serious discomfort of any citizen, the person so offending shall forfeit and pay the sum of two dollars for each offense, and double that amount if the offense is committed on the sabbath or Lord's day, or in the night season between sunset and sunrise of the following day. Provided that on occasions of public festivity, and of military exercises and parade, it shall be lawful for the mayor, or common council by an order in writing to allow such noise, under such restrictions as to time and place, and

Beating of drums, &c. firing of pistols, &c., blowing of steam whistles and other noises prohibited.

Except by permission on certain occasions.

instruments used as they may deem proper. Provided also, that Common council may regulate ringing of bells and blowing of steam whistles, on occasions other than those designated above, as they make think proper.

SEC. 8. If any person shall be a party to or concerned in any conduct of a nature to disturb the quiet and peace of any citizen, either alone or congregated with others, or shall disturb the peace and quiet of the city, by marching or promeuading through the streets or public grounds of the city, shouting or hallooing or uttering sounds and making noises of a disorderly character the person so offending shall forfeit and pay a fine of two dollars for each offense, and double that amount if the offense is committed on the sabbath or in the night season as above specified. Penalty for breach of peace

SEC. 9. The common council are hereby authorized, as occasion may require, to offer such rewards as to them shall seem proper for the detection of trespassers and persons guilty of breaches of the peace or of any crime within the limits of the city, which rewards shall be paid from the city treasury, and the said common council is authorized to employ a special watch for the detection of trespassers and preservation of the peace and the property of the city and of the citizens thereof, which watch shall receive for services rendered such compensation as the common council shall deem to be just and proper. Rewards for detection of trespassers

BY-LAW III.

TAXES, REVENUES AND EXPENDITURES.

Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Freemen of the City of Middletown :

SEC. 1. The city treasurer shall have the custody of the funds of the city and shall take the oath required of town treasurers, and give a bond to the amount of not less than two thousand dollars, with such sureties as shall be approved by the mayor, which bond shall be renewed, or new sureties added, at the pleasure of the common council. City treasurer.

SEC. 2. All moneys due or owing to the city, excepting taxes and assessments on property, shall be collected by the treasurer, who shall keep an accurate account thereof and of all moneys received by him, and shall keep a like account of all moneys paid out by him for the city, and shall make a full report of all such receipts and expenditures at the close of each year of his term of service, which report shall be rendered to the common council on or before the second Monday in January, in each year ; the report to state distinctly the source whence received and the amount of each payment Shall keep accn rate accunt of money and make full report

into the treasury, and the amount of each bill or claim paid, the character and object thereof, and the name of the person or persons to whom paid, and it shall also contain a statement of bills or claims which remain unpaid, whether the same be due or owing to or from the city; and it shall contain also a classification or analysis of the disbursements made during the year, showing the aggregate amount paid under each general and separate head with such explanations as may be necessary to the full understanding of the condition of the finances of the city.

Claims to be presented to the common council for approval before payment

Proviso relative to interest and borrowed moneys.

Treasurer to prepare tax lists.

SEC. 3. All papers, vouchers, &c. relating to claims due or owing to the city, and to all claims paid by the treasurer shall be carefully preserved by him, and all claims against the city before being paid by the treasurer shall be presented to the common council for their examination and approval, and when thus approved, the mayor shall draw an order for the sum allowed upon the treasurer, and the several claims thus allowed, shall be numbered, filed and preserved in the treasurer's office, and all orders drawn as above for the payment of claims shall be registered in a book kept for the purpose. Provided, that orders for interest moneys due by the city and all payments of moneys borrowed by the city, may be drawn by the mayor without the approval of the common council being first had and obtained therefor.

SEC. 4. The treasurer shall, upon the levying of any tax by the city, prepare for the use of the collector of taxes from the last preceding assessment, an accurate list of persons liable to pay taxes, with the amount due from each, which list shall be delivered to the collector in time to enable him to collect such tax within the time fixed for the purpose.

Treasurer's compensation.

His duty on retirement from office.

SEC. 5. For services rendered by the treasurer he shall receive such compensation as the common council shall deem proper, and when any treasurer shall retire from office he shall deliver to his successor, or in default of a successor to the mayor all moneys, books, papers, &c., belonging to the city in his possession, and shall also render therewith a full statement as above of all moneys received and disbursed by him up to the date of his retirement.

City assessor to prepare a tax list.

Notice.

SEC. 6. It shall be the duty of the city assessor immediately after the first day of October in each year, to prepare a list of persons liable to pay taxes within the limits of the city, which list shall have appended to the name of each person the character and assessed value of the property belonging to said person on the said first day of October, which list shall be completed and presented to the common council on or before the first day of January next following, but before completing and presenting such list as aforesaid, the assessor shall give at least two weeks notice in the newspapers of the city, to the tax payers of the city, to enable them to appear on a day fixed, to make objections, if they shall have any, to the amount of their several assessments. The objections and corrections if any consequent thereon, to be made previous to the certificate and return of said assessment to the common council on the first day of January as above stated.

SEC. 7. The assessor before entering upon the discharge of Assessor's oath. his duties as above, shall take the oath required of town assessors, and shall receive for services rendered such compensation Compensation. as the common council may deem just and proper.

SEC. 8. The city collector of taxes previous to entering upon City collector. the duties of his office shall give a bond for the faithful performance of his duties to an amount not less than the sum total of To give bonds. the tax to be collected, with such sureties as the mayor shall approve, and when thus qualified, he shall, after giving to the city treasurer a receipt, and being charged with the full amount To be charged with amount of tax, &c. of the tax entrusted to him to collect, receive from the mayor a warrant sealed with the city seal, empowering him to proceed to the execution of the trust confided to him, which said warrant shall specify the time within which said tax shall be collected, which tax as fast as collected shall be paid to the city treasurer who shall receipt and credit the same to said collector.

SEC. 9. In case the said collector shall be unable to collect any tax due from any person in consequence of the inability of such person, from poverty, sickness or any infirmity, or absence from the state, or for the reason that said person was illegally or improperly assessed, then the said collector shall be excused from collecting the same, provided, that in the opinion of a committee of the common council specially appointed for the purpose, there is good and sufficient cause for his being so excused, and for the amount thus uncollected and uncollectable he shall receive an order from the mayor upon the city treasurer, the amount of which order shall be placed to his credit on the books of the treasurer. In case any individual tax cannot be collected.

BY-LAW IV.

FIRES.

Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Freemen of the City of Middletown :

SEC. 1. The common council shall at all times maintain an organized force with the necessary engines and apparatus for the prevention and extinguishment of fires, which force shall be constituted as follows : An organized force.

1st. An engineer and a first and second assistant engineer. Engineers.

2d. Two fire engine companies, one hook and ladder company, and two hose companies, with a first and second foreman and clerk to each, and such number of members to each as the resolves of the general assembly and the common council of the city may authorize and direct. Fire-companies and their officers.

Fire-wardens.	3d. A firewarden and one assistant firewarden for each ward in the city.
Marshal.	4th. A fire marshal as authorized by the General Assembly in 1857.
To be elected by common council.	SEC. 2. The above persons shall be elected by the common council. The officers named shall be elected at the annual meeting of the common council on the first Monday of February, and shall continue in office for one year, and (excepting the fire marshal,) until others are chosen and qualified in their places, unless sooner removed by the common council.
Voluntary enlistment	SEC. 3. The members of the several fire companies shall become such by voluntary enlistment, and when enlisted they shall subscribe to an agreement in the form following :
Form of agreement.	We the subscribers, living within the limits of the city of Middletown, do hereby enlist into company of said city, and engage to perform the duties of a member of said company for a period of not less than one year from the day of 18 subject to all the by-laws and ordinances of said city and all such rules and regulations, consistent with such by-laws and ordinances as shall from time to time be made and adopted by said company. This agreement to be terminated at any time after the expiration of the year as above, on the undersigned giving one week's notice to that effect, to the foreman of said company and to the engineer. Dated at the City of Middletown, this day of 18
Certificate of election	SEC. 4. The officers named in section 1, and the members of the several fire companies shall receive each a certificate of his election, signed by the mayor and sealed with the city seal, and no person shall be deemed to be an officer or member of any fire company and entitled to its immunities until he has subscribed to an agreement as provided in the last section, and his name has been duly registered by the city clerk in a book kept for the purpose.
Nomination of engineers.	SEC. 5. The engineer and assistant engineers, and fire wardens and officers and members of the several fire companies of the city shall annually in the month of January or February, prior to the annual meeting of the common council, meet together to nominate by ballot an engineer and assistant engineers for the year next to ensue, which nominations may be presented to the common council for their consideration when electing such officers. The engineer shall give notice of said meeting and its object by posting on the door of the house of each company, and by personal notice served upon the assistant engineers and firewardens, and on the foreman or clerk of each company at least three days before the time of holding said meeting. In like manner the members of each fire company shall assemble on the call of their respective clerks, when requisite to nominate for the consideration of the common council suitable persons for the office of foreman and second foreman in each company.
Nomination of foreman by the fire companies.	

SEC. 6. The common council may at discretion discharge any engineer, officer or member of any fire company, and the mayor, or the engineer with the approval of the mayor, may also discharge any member who may apply therefor, or, without such application, may discharge any member, not an officer, for any misconduct, absence or other cause by them deemed sufficient. All discharges to be valid must be in writing, and must specify whether the person is honorably discharged or otherwise, and a copy or duplicate thereof must be delivered to the city clerk, who will make a record accordingly.

SEC. 7. The engineer shall have, under the direction of the mayor, the control of the entire force employed for the extinguishment of fires in the city, and all officers and members of fire companies and fire-wardens will respect and obey him accordingly, and in case of his absence or inability, the first assistant engineer shall have said control, and in case of the absence or inability of both the engineer and first assistant engineer, the second assistant engineer shall have said control, and the assistants when exercising such control shall have all the power and perform all the duties devolving upon and required of the engineer.

Powers and duties of the engineer.

To have control of the force.

SEC. 8. It shall be the duty of the engineer to see that the several fire companies of the city, have each the requisite number of efficient members, that they are kept under proper discipline, and suitably exercised in the use of their engines and their fire apparatus, for which purpose he may call them out for exercise and drill at any suitable place within the limits of the city at such times as he shall deem proper. The engineer will also, by frequent inspection thereof, see that the city wells, pumps, hydrants, reservoirs and their appurtenances, and the fire engines and other fire apparatus, and houses for the protection of the same, are kept in good condition and repair, and ready at all times for use, and that the wells and reservoirs are at all times properly filled with water, and in making such repairs he is authorized to expend the sum of fifty dollars annually upon the wells, pumps, hydrants, and reservoirs, and an equal amount annually upon the fire engines and other fire apparatus and engine houses of the city, without the special approval of the common council therefor being first had and obtained, and he shall make report from time to time, to the mayor or common council, if required, of the condition of the department under his charge and all that relates thereto.

Number and discipline of firemen.

Drill.

Inspection of wells, pumps, &c.

Engineer Authorized to expend \$50.

SEC. 9. In case of fire within the limits of the city the engineer shall have command to suppress the same not only over the assistant engineers and over all officers and members of fire companies and fire wardens, but over all other persons who may be employed for the time being in aiding the extinguishment of such fire, and shall direct how the fire engines and other fire apparatus shall be placed and worked for the extinguishment of said fire, and he shall have power to require the aid of

To have command at fires.

all persons present, of suitable age and ability, for its extinguishment, in such manner as he shall direct.

To demolish buildings. SEC. 10. If necessary to arrest the progress of any fire, the engineer is empowered to demolish any building, having first obtained the assent therefor of a majority of the mayor and common council, the fire wardens and assistant engineers present at such fire ; the said assent to be ascertained by a *viva voce* vote to be called for by the mayor or the member of the common council next in rank who may be present, who is authorized to assemble the officers named for the purpose.

Return of engines, &c. and disposal of private buckets &c. After the extinguishment of any fire the engineer shall see that the fire engines and fire apparatus are returned without delay to their appropriate places, and put in good working order, and that all private fire buckets, or other articles of private ownership used at such fire which remain, are collected and put in some safe and convenient place where they can be obtained by their owners.

Engineer's report. SEC. 11. The engineer shall make a written report to the common council sometime during the week next preceeding the annual meeting of the freemen of the city for the election of city officers, of his doings, and of all matters of importance relating to his department for the year preceeding. The report shall be accompanied with a list or statement of fires that have occurred during the year and the estimated damage in each case, and an inventory of all property appertaining or belonging to his department, stating its condition and estimated value, with such remarks and suggestions in relation thereto as he may deem proper.

Statement relative to fires.

Compensation of engineer. SEC. 12. The compensation of the engineer and of the assistant engineers when acting as principal engineers for service rendered as above, shall be such as the common council shall deem to be just and proper. The compensation to the several fire companies shall be as follows :

Compensation of companies. To the fire engine companies one hundred and twenty-five dollars annually ; and to the hook and ladder company the sum of twenty-five dollars annually, and to each of the hose companies five dollars annually, to defray the necessary expenses of said companies, exclusive of repairs to engines and apparatus and oil for the hose. The above payments to be quarter yearly on the first day of January, April, July and October.

Powers and duties of assistant engineers. SEC. 13. It shall be the duty of the assistant engineers to be present at all fires in the city ready to receive and communicate the orders of the engineer, and to see that they are properly executed, and to give all needful assistance to the engineer in the discharge of his duties, and the officers and members of the several fire companies are required to obey the orders of the assistant engineers accordingly.

SEC. 14. The members of each fire company shall respect and promptly obey the orders of their foreman or second foreman, and shall obey also the orders of the engineer and assistant en-

gineers, and for each violation of this law or act of disobedience on the part of any member, he shall forfeit and pay the sum of two dollars, and if the act of disobedience is committed while on duty suppressing a fire, the penalty shall be double that amount, and the offender may be, in addition, discharged or expelled from the company to which he may belong.

Penalties for disobedience of members of companies.

SEC. 15. In case of an alarm of fire each member of every fire company shall repair instantly to the place where the engine or fire apparatus of the company to which he belongs is kept, and proceed with the same, with all possible speed, under the command of the foreman, to the place of the fire and there the said company shall report to the engineer, and shall remain at said fire, each member using his best efforts for its extinguishment until dismissed by the engineer, and any member of any company who shall fail to attend as aforesaid, on the first notice of fire, or, after his appearance, shall absent himself before being dismissed, shall pay a fine of fifty cents for each offense, and if he shall fail to appear altogether, he shall pay a fine of one dollar for each offense, unless prevented by absence from the city or by sickness.

Duties of firemen in case of fire.

Penalties for absence from fires.

SEC. 16. Whenever any fire company is called out for exercise or drill, and any member thereof fails to be present at the calling of the roll he shall pay a fine of seventeen cents, and if absent when the company reaches the place of working the engine or shall absent himself without leave before the company is dismissed, he shall pay a fine of thirty-five cents for each offense. Physical inability or absence from the city shall be a sufficient excuse for any such absence.

Fines on occasions of drill.

SEC. 17. The foreman of each company shall have the immediate command of said company, and care of the engines or fire apparatus appertaining thereto, and shall be assisted in his duties by the second foreman, who shall take the command in the absence or inability of the foreman, and both the foreman and second foreman shall properly respect and promptly obey the orders of the engineer or assistant engineer, and for any act of disobedience the foreman offending shall forfeit and pay a fine of three dollars, and shall be liable to be discharged and ever after ineligible to the office of engineer or assistant engineer in this city.

Powers or duties of foremen.

SEC. 18. The foreman of each fire engine company shall call out his company for exercise and drill on the first Saturday of each month, or the first fair day thereafter, (Sunday excepted,) from the month of April to November inclusive, unless otherwise directed by the engineer, at which times the engine and apparatus belonging thereto shall be tested, and if not in good working order, shall be immediately repaired and put in such order, and it shall be the especial duty of the foreman to see that when the engines or other fire apparatus of their respective companies are returned to the usual places of keeping the same, after any fire or any drill or exercise, they are in good working

To call out their companies for drill.

To have care of engines, &c.

condition, and ready at any moment to do good and efficient service, and it shall furthermore be the duty of the foremen to see that the exercise and drills of their respective companies are conducted in an orderly and fireman like manner, and that no improprieties or irregularities are permitted by any member either when on drill or within the building occupied by the said companies.

Foremen to preserve order in their companies.

SEC. 19. The common council may from time to time procure such fire-buckets and hose and other fire apparatus, as may be needful for the use of the city, and order such repairs to the same and to the engines, engine houses, and reservoirs as may be necessary, but the said common council shall not purchase any new fire engine or organize any new fire engine company or hook and ladder or hose company or erect any new engine house or purchase land therefor, or build any new reservoirs, without first obtaining the consent therefor of the freemen of the city in city meeting assembled.

Power of the common council relative to fire apparatus, &c.

Duties of persons not firemen.

SEC. 20. All persons present at a fire not connected with the fire department or police of the city are required to refrain from giving orders or directions, and to conduct in an orderly manner without noise or disturbance, and to obey the directions of those authorized to command, and to aid in extinguishing the fire and saving the property in danger, and any person of suitable age and ability, refusing thus to obey and to assist in working the engines or other fire apparatus, or in passing water, or in saving property, or refusing to assist in any other way when called upon to do so, by any proper officer, shall for every act of disobedience forfeit and pay a sum not less than two dollars nor more than ten dollars.

Fire apparatus not to be used except in the service of the city.

SEC. 21. The fire engines and hose and hooks and ladders and other fire apparatus of the city shall not be used, without leave first obtained from the mayor, for any other purpose than for the use of the city in the extinguishment of fires and for exercise and drill as provided for above, under a penalty of twenty dollars for the use of any fire engine, four dollars for the use of any single piece of hose, two dollars for the use of any public ladder, lantern, sack, rope, fire-hook or any other instrument belonging to the fire apparatus of the city, and no fire engine or other fire apparatus belonging to the city shall be taken without the limits of the city unless by permission of the common council previously had and obtained, on penalty of fifty dollars.

Wards.

SEC. 22. For the purpose of greater security of property from destruction by fire, the city shall be divided into four wards as follows :

First.

The first ward shall include all that portion of the city north of Washington and Berlin streets.

Second.

The second ward shall include all that portion east of High street and between Washington street on the north and William street on the south.

Third.

The third ward shall include all that portion south of William and Cross streets and east of Pine street.

The fourth ward shall include all the remaining portion of Fourth. the city.

SEC. 23. The fire-wardens and assistant fire-wardens shall be residents of their wards respectively, and it shall be their duty on every alarm of fire in the city, forthwith to repair to the place of said fire, there to do whatever may be necessary under the direction of the engineer, to preserve the property exposed from injury or depredation, and to aid the sheriff in preserving order and preventing noise and disturbance.

Powers and duties of fire-wardens.

To act under the engineer at fires.

SEC. 24. It shall be the duty of the several fire-wardens annually in the months of November and December, and at other times as occasion may require, to examine each building throughout their respective wards, the fire-places, furnaces, stoves and chimneys therein, and all other means of warming, and also the means of lighting each building, and the places where ashes are kept, and if in their opinion property is endangered by any defect in the same, they shall order said defect to be immediately remedied by the person owning or occupying the building where such defect exists, said order to specify in writing the defect to be remedied and the time allowed for compliance therewith; and if any person shall neglect or refuse to obey such order and to correct the defect therein pointed out within the time allowed for the purpose, such person shall forfeit and pay the sum of three dollars, and one dollar additional for every month thereafter that such person shall continue to neglect or refuse to remedy such defect.

To examine buildings, i. e. places, stoves, &c.

Penalties for neglect of orders of fire-wardens.

SEC. 25. The fire-wardens shall also examine each building as above, and ascertain if the same is provided with the requisite means of gaining access to the several apartments and to the roof in case of fire by means of stairs, ladders and scuttles suitably placed, and whether said buildings are supplied with fire-buckets as required by law, and if not so supplied, the said wardens shall give their order as above to the owner of the building where such defect exists, and if the said defect is not remedied within the time allowed in the said order, the said owner shall forfeit and pay the sum of two dollars, and one dollar additional for each month thereafter that said owner shall neglect or refuse to comply with said order.

To ascertain means of access to roof, &c.

And whether buildings are supplied with fire-buckets.

Penalties.

SEC. 26. Every resident owner of a building in which fire is for any part of the year kept, shall for each story of such building provide and keep in constant readiness and repair one good leather bucket, or bucket made of india rubber, or gutta percha, separate or combined with canvass, water tight, of the capacity of not less than two gallons, and in case the owner of any building is not a resident of the city, then the occupier of such building shall provide such bucket at the cost of the owner thereof, and every person who shall neglect to keep a bucket or buckets as herein required, shall forfeit and pay the penalty prescribed in the last section. Provided that the requirements of this and

Private fire-buckets.

Penalty.

Proviso.	the two last preceding sections shall not apply to any building standing more than ten rods from any other building.
Fire-wardens to report.	SEC. 27. The fire-wardens shall immediately after their annual inspection of buildings as above, make report in writing to the common council of the general condition of said buildings, and the common council are authorized to give and enforce such directions as in their opinion are needful to be observed to prevent the occurrence of fires destructive to property in the city.
Compensation.	The fire-wardens for service actually rendered by them, shall receive each one dollar and fifty cents per day, and the owners or occupants of buildings shall not in any manner obstruct the said fire-wardens in the proper discharge of their duties, and any owner or occupant of a building who shall refuse to any fire-warden the privilege of entering and examining the same when requested so to do at any proper time, shall forfeit and pay a fine of not more than ten dollars nor less than two dollars.
Penalty.	SEC. 28. The mayor, city sheriffs, city constables and special constables, fire-wardens and assistant fire-wardens, when present at any fire shall be distinguished by some appropriate badge to be worn or carried by each, which badge shall be prescribed by the common council. Any fire-warden desiring to enter and examine any building, shall, on being requested so to do by the owner or occupant thereof, exhibit his certificate of election to the office of fire warden, and in default of his so doing, the owner or occupant shall not be liable to the penalty prescribed in the last preceding section.
Fire-warden to exhibit his certificate on request.	
Prohibition of business dangerous to property or life.	SEC. 29. No person shall carry on any business in any building or lot within the limits of the city, which in the opinion of the common council, from its character and manner of being conducted, peculiarly exposes to destruction by fire the property of any other person, or the life of any other person, and the said common council shall have power to prohibit the carrying on of such business, and any person who shall disobey such order of the common council, shall forfeit and pay the sum of twenty dollars, and ten dollars additional for every week he shall continue to carry on such business after being served with such written notice or order from said common council.
Fire limits.	SEC. 30. No building shall hereafter be erected in that portion of the city situated upon or east of High and Prospect streets, or upon or south of Spring street and the north burial ground, the outer walls of which shall be constructed wholly or principally of wood, without the consent first had and obtained of the common council, on penalty of twenty dollars, and five dollars additional for each month such building, if erected, shall be continued after its removal has been ordered by the common council.
Penalty for chimney being on fire at an improper time	SEC. 31. If in consequence of the foulness or otherwise of any chimney or smoke flue, the matter contained therein shall take fire or be ignited in a dry time, or in the night season so as to cause a blaze to appear from the top of the same, or if in consequence it

shall emit burning sparks or cinders, the occupant of the building or part of the building to which such chimney or flue belongs shall forfeit and pay the sum of one dollar, and if any such chimney or flue emit a dense smoke to the injury of the property of any person, or to the great annoyance and discomfort of such person, or of his family or household, the occupier of the building or apartment or persons using such chimney or flue and causing said smoke, shall, on notice from any fire warden or order from the common council, immediately abate the same, and if the offense is continued after such notice, the offender shall pay a fine of two dollars for each and every week it is so continued.

Dense smoke
from chimneys

SEC. 32. No person shall carry into any barn or hay loft where hay or straw is stored, or into any building where wood-en shavings or matter of a highly combustible character is exposed, any lighted candle or lamp not enclosed in a lantern, nor any lighted cigar or pipe, nor any burning substance not securely enclosed, on penalty of three dollars for each offense, and double that amount if the offense is committed in the night season.

On inclosed
lights, &c.

SEC. 33. If damage be done to any city well, pump, hydrant, reservoir or pipe or conduit leading to or from any reservoir, or to any fire engine or fire apparatus owned by the city, or to any fire engine house or house containing fire apparatus, by taking away or destroying or breaking or cutting or displacing any part thereof, or by causing any obstruction or impediment in or about the same or any part thereof, each person so offending shall incur a penalty of five dollars, and pay in addition whatever may be the amount of such damage, the penalty to be doubled if the offense is committed in the night season.

Penalty for dam-
age to fire appa-
ratus, wells, &c

SEC. 34. If any person shall knowingly give a false alarm of fire in the city, or shall cause alarm by making a noise in resemblance of the cry of fire, or shall proclaim that any fire is extinguished when it is not, such person shall forfeit and pay for each offense the sum of fifteen dollars, and double this amount if the false cry or alarm is given in the night season.

Penalties for
false alarm of
fire.

SEC. 35. Any person who shall set fire to or discharge any rockets, fire-balls, crackers, or other fire-works, or shall aid or assist therein within the limits of the city, shall forfeit and pay a fine of three dollars, which penalty shall be doubled if the offense is committed in the night season. and no person shall sell or offer for sale such fire-works, or keep them in any building in the city, except by permission first had and obtained of the common council, on penalty of ten dollars, and five dollars additional for each days continuance of the offense, after notice to desist. Provided that any person or persons may on occasions of public festivity, discharge rockets, and other fire-works at such place and time as the mayor or common council may designate in writing.

Burning and
sale of fire-
works prohibi-
ted.

Proviso.

SEC. 36. Any person who shall keep or have for sale or for any other purpose in any house, store or other building, or in or

Sale of gun-powder without license prohibited.

Notice.

Proviso.

Recovery and disposal of penalties.

upon any vessel, boat or other water craft, within the limits of the city or jurisdiction thereof any quantity of gun powder or gun cotton, or fuse exceeding one pound in weight of gun powder, two ounces in weight of gun-cotton, and five yards of fuse, without special license from the common council, shall forfeit and pay the sum of fifty dollars, and five dollars additional for each days continuance of the offense after being notified to desist by any executive officer, and any person so licensed, shall give notice thereof by a sign erected in a conspicuous place in front of the building where gun powder or gun-cotton or fuse is deposited or sold, on penalty, in case of neglect, of ten dollars. Provided, that nothing contained in this section shall be construed to prohibit vessels or boats loaded wholly or in part with gun powder, gun-cotton or fuse from passing up or down the Connecticut river.

• SEC. 37. All penalties, or forfeitures incurred under the several sections of this by-law shall be paid, one half to the informer, if demanded by him, and the remainder to the treasurer of the city. The said penalties and forfeitures to be recovered on complaint made by any person to any court proper to try the same, and when any minor shall be guilty of any violation of the provisions of the several sections in this by-law, the parent guardian or master of such minor shall on the conviction of such minor pay the penalty therefor and the same shall be recovered of such parent or guardian or master by action of debt before any court proper to try the same.

BY-LAW V.

PUBLIC GROUNDS AND STREETS.

Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Freemen of the City of Middletown :

St. John's square.

SEC. 1. The common adjoining to and immediately west of the north burial ground, on the north side of which stands the Roman Catholic Church, shall be called St. John's Square.

Union Park.

The common on the north side of which stands the Methodist Church, and on the south side the South Congregational Church, shall be called as heretofore, Union Park.

Washington square.

The common extending west from the houses of Samuel Russell and Charles R. Alsop, Esq's., to the west burial ground, shall be called Washington Square.

Bridge st.

The highway from the mouth of the Sebetha or Little river to St. John's Square shall be called as heretofore, Bridge street.

Main st.

The highway from St. John's Square to Union Park, on which the court house and several churches are situated, shall be called as heretofore, Main street.

The highway from Union Park southerly to the turnpike bridge over the Pameacha creek, shall be called South Main street, as heretofore. South Main.

The highway from South Main street near the turnpike bridge over the Pameacha creek, south-westerly to the city limits, near what was formerly Warwick bridge, shall be called Warwick street, as heretofore. Warwick.

The highway from Warwick street near the city boundary northerly, passing east of the buildings of the Wesleyan University and ending at the east end of Washington Square, shall be called as heretofore, High street. High.

The highway from Connecticut river to West river, passing on the north side of the building of the Berkley Divinity School and following the line of the Middletown and Meriden turnpike, shall be called as heretofore, Washington street. Washington.

The highway next south of Washington street, and nearly parallel thereto, terminating at High street on the west and at the Connecticut river on the east, shall be called as heretofore, Court street. Court.

The highway next south of Court street and nearly parallel thereto, leading easterly from Main street nearly opposite the court house to the Connecticut river, shall be called as heretofore, Center street. Center

The highway next south of Center street terminating at High street on the west and the Connecticut river on the east, and crossing Main street by the Universalist Church, called Parsonage street heretofore, shall hereafter be called College street. College.

The highway next south of College street, terminating at High street on the west and at the Connecticut river on the east, crossing Main street by the Baptist church, shall be called as heretofore, William street. William.

The highway west from Union Park to High street shall be called Church street, as heretofore. Church.

The highway east from Union Park to Connecticut river, shall be called Union street, as heretofore. Union.

The highway from south Main street west to High street, situated next south of Church street, shall be called Loveland street, as heretofore. Loveland.

The highway from South Main street near Loveland street south-easterly to Mill Hollow, shall be called as heretofore, Mill street. Mill.

The highway from Church street southerly to Loveland street, next west of and parallel with South Main street, shall be called Hubbard street, as heretofore. Hubbard.

The highway from Union street, southerly to the bridge over Sumner or Pameacha creek, shall be called, as heretofore, Sumner street. Sumner.

The highway from Sumner street, near the creek bridge north-easterly to the east end of Union street, shall be called as heretofore, South street. South

- Water.** The highway from the east end of Union street and passing near the margin of the Connecticut river northward to an intersection with Bridge street near the ferry shall be called Water street, as heretofore.
- Hanover.** The Highway from the junction of Sumner with Union street northerly to William street, shall be called Hanover street, as heretofore.
- Bank.** The highway from College street to Court street next west of Water street, situated on the bank of the river, shall be called as heretofore, Bank street.
- Elm** The highway from near the east end of Court street, northerly and thence easterly to Water street, shall be called as heretofore, Elm street
- Broad.** The highway next west of and parallel with Main street, between Church and Washington streets, shall be called as heretofore, Broad street.
- Pearl.** The highway next west of, and parallel with Broad street between College and Washington streets, shall be called Pearl street, as heretofore.
- Hamlin.** The highway next west of Broad street, between Church and College streets, meeting the latter near the High school, shall be called as heretofore, Hamlin street.
- Lumber.** The highway leading southerly from near the east end of Washington street to Water street, shall be called as heretofore, Lumber street.
- Ferry.** The highway next north of Washington street, between Main street and the Connecticut river, shall be called as heretofore, Ferry street.
- Cherry.** The highway next west of Water street, between Washington and Ferry streets, shall be called as heretofore, Cherry street.
- Green.** The highway next north of Ferry street, between Main street and the river shall be called as heretofore, Green street.
- St. John's.** The highway from St John's Square northerly on the east side of St. John's Church to the railroad depot, shall be called St. John's street.
- Spring.** The highway from the west side of St. John's square, north-westerly to Robert Johnson's, shall be called as heretofore, Spring street.
- Johnson.** The highway northerly from Spring street near its west end, shall be called as heretofore, Johnson street.
- Berlin.** The highway leading from the north side of Washington square near its east end north-westerly to West river, following the line of, the Middletown and Berlin turnpike, shall be called Berlin street.
- Prospect.** The highway from the west end of Spring street southerly to Berlin street, and thence to Washington square shall be called Prospect street, as heretofore
- Wetmore Place.** The highway leading northerly from Washington street next west of Main street and terminating at the Liberty street burial ground, shall be called Wetmore Place.

The new highway from Washington street near Pearl street, North Pearl. north to Spring street, shall be called North Pearl street.

The highway from Main street west to Prospect street and thence to Berlin street, next north of Washington street, shall Liberty. be called as heretofore, Liberty street.

The highway leaving Washington street near West river and running easterly near that river, and joining Washington street Factory. near the foot of the hill, shall be called Factory street.

The highway from Washington street opposite to the entrance to the Indian Hill cemetery, westerly to Berlin street, Baldwin. shall be called Baldwin street.

The highway from Baldwin street westerly to the bridge over West river at the plain factory, shall be called Jackson street. Jackson.

The highway from High street a little south of William street Cross. west to the south west side of Indian Hill, shall be called Cross street, as heretofore.

The highway from Washington street next west of the entrance to the Indian Hill cemetery, southerly on the west side of Hill. the hill until it meets Cross street, shall be called Hill street, instead of Butternut street, as heretofore.

The highway from the west end of Washington square southerly to Cross street on the south east side of Indian Hill, shall Vine. be called Vine street, instead of Swamp street, as heretofore

The highway from Vine street south-easterly to Cross street, Park. shall be called Park street.

The highway from Washington square southerly to Cross street, next west of High street, shall be called Mt Vernon Mt. Vernon. street, as heretofore.

The highway from High street next south of Court street, Wyllis. westerly to Mt. Vernon street, shall be called Wyllis street.

The highway leading westerly from the junction of Hill and Cross streets to the city line, shall be called as heretofore, Butternut. Butternut street.

The highway from the west end of Washington street, near West river, southerly to the city line, shall be called as heretofore, West. West street.

The highway from West street south-westerly, near West river to the city line, shall be called Middlefield street. Middlefield.

The highway from Cross street near the south end of Indian Hill southerly to the city line, shall be called as heretofore, Long lane. Long lane.

The highway from Cross street next east of Mt. Vernon street southerly to the city line, shall be call Pine street, instead of Low street, as heretofore. Pine.

The highway south from Cross street next west of High street, College Place. shall be called College place, as heretofore.

The highway from High street a little north of Loveland street westerly, shall be called Huber place. Huber Place.

The highway west from Main street, next north of Liberty street, shall be called Chase street. Chase.

Width of streets	SEC. 2. It shall be the duty of the common council in laying out any new street to make the said street if possible, not less than sixty feet in width, and to increase to that amount the width of the more prominent of the existing streets which have a less width than that, whenever the same can consistently be done. It shall be the duty also of the common council to have as early as practicable, the grade lines of the streets whereon buildings have already been or are about to be erected, established by accurate levels, with a view to the best system of drainage, and the most economical grading of the same, which levels shall be put upon record, and it shall be their duty also to establish upon all such streets the lines on which curb stones and shade trees may be placed, which lines shall not be less than ten feet from the side lines of the street nearest thereto, for the curb-stones, and eight feet for the trees in a width of street of sixty feet, and in that proportion for a greater or lesser width
Grade lines.	
Lines for curb stones and trees.	
"Record of streets and public ground."	SEC. 3. It shall be the duty of the city clerk to enter in a book to be provided for the purpose, to be called the "Record of streets and Public Grounds," the lay out or survey of all the streets and public grounds, now, or hereafter to be laid out by the city, with the diagrams illustrating the same, and to enter in said book the lay out of all side and cross walks, with their level and the width and position of the flagging upon the same; and to enter also in said book, the levels of the grade and curb lines of the several streets and public grounds, as the same shall from time to time be established, and to enter also the lay out and dimensions of all drains and culverts constructed in part or whole by the city, and to enter also the position of all street lamps and of all lines for gas pipes and telegraph lines wherever the same have been laid under the sanction of the authorities of the city. The book to contain in fine all matters of importance relating to the streets and public grounds of the city, and to be properly indexed, the clerk to receive for making such record such compensation as the common council shall deem to be proper.
Street commissioner.	SEC. 4. The common council shall at their annual meeting or soon after, appoint a highway surveyor or street commissioner to serve for the year ensuing, who shall superintend and direct the opening of all new streets with their walks, and the repairs of existing streets under the direction of such committee of their number as the common council may appoint. The said street commissioner shall give penal bonds to an amount not less than five hundred dollars with such sureties as the mayor shall approve, for the faithful performance of his duties, and in making any new street or repairing any existing one, or in building any drains or culverts or walks therein, it shall be his duty to see that said work and repairs are done in such manner as to conform to the established lines and levels of such street and of its walks, and in repairing the roadway of any street which
To give bond.	
How to perform his duties.	

has not been graded, the repairs shall be made in such manner as to bring the surface of the street nearer if possible to its proper grade, and the culverts and drains shall be constructed accordingly, and in working or repairing any street, the pathway for vehicles shall be kept equidistant from the two side lines of the street, the work to be done in all other respects as the common council by their committee or otherwise shall direct.

SEC. 5. The street commissioner shall from time to time as required, make report of his doings to the common council, and shall during the week next preceding the annual election of city officers, make to the said common council a written report of his doings for the year preceding, stating therein all facts of importance connected with the discharge of his duties, including the amount of labor and money expended under his direction during the year, the extent of new highway opened or altered, with such remarks and suggestions, as he may deem to be of importance in improving the condition of the streets of the city. For services rendered by the street commissioner he shall receive such compensation as the common council may deem to be just and proper. Street commissioner to make reports.

SEC. 6. The common council in ordering any side-walk to be built, shall have power to designate the kind or quality of the stone to be used in flagging the same, and the dimensions thereof, provided that no stone are used of a less length than four feet, and of a less width than one and a half feet. The use of brick for the paving of side-walks is hereby prohibited, and the use of wood is also prohibited, and no shade trees shall be placed in any street or in any of the public grounds of the city, except such as shall be approved by the common council. Stone for side-walks.
Brick and wood for side-walks prohibited.
Trees.

SEC. 7. The erecting or setting up, within the limits of any street or of any of the public grounds of the city, any building of any kind, or part of a building, or of any fence, or wall, or posts, or poles, or the making of any bridge or culvert, or of any drain, or the altering of the course of any stream of water, or the laying or placing therein of any building materials, or of any vehicles, or any ashes, boxes, rubbish, or any other obstruction or incumbrance whereby the travelling or passing in the same shall be rendered dangerous or inconvenient, or the eye be offended, or the good order and peace of the city be disturbed, or shall plant any trees in places not approved by the street commissioner or common council, or shall allow any limbs to remain on any tree so as to improperly shut out the light from any portion of any street; all these several acts shall be deemed nuisances, and any person who shall erect or set up any building or part of a building, or any fence, or wall as aforesaid, shall incur a penalty of fifty dollars, and any person who shall do any other act declared above to be a nuisance, shall incur a penalty of not more than ten dollars, nor less than two dollars for each offense, which penalties shall be paid into the city treasury. Provided, that nothing in this section shall prevent the deposit within the limits of any street or upon any of the public grounds of materials which are being used for building, or Nuisances defined.
Penalties.
Proviso.

of any gas or water pipes, or the digging of trenches for the latter under such restrictions as may be imposed by the street commissioner or the common council, the deposit of ashes or of any other articles under a like restriction, or the moving of any building across or along any street, provided it is thus moved with suitable speed under the direction of the street commissioner.

Removal of
nuisances.

SEC. 8. It shall be the duty of the street commissioner to take notice of all offenses contained in this chapter, and give information thereof to the city attorney, that prosecution may be had thereon, and said street commissioner shall warn and order each and every person who shall do any act declared in this last section to be a nuisance, to remove such nuisance, and repair the damage done thereby, within such reasonable time as said commissioner shall designate, and if such person shall not remove such nuisance within the time so designated, the said person shall incur a further penalty equal to the penalty above prescribed for causing such nuisance.

Removal of
nuisances.

SEC. 9. If any person upon being warned as aforesaid shall neglect to remove any nuisance as above, and to repair the damage done thereby, within the time designated by the street commissioner, or if the person causing any such nuisance is unknown, it shall be the duty of the said commissioner to cause such nuisance to be removed and the damage done thereby to be repaired at the expense of the city, and his reasonable account therefor shall be allowed and be ordered to be paid by the common council; and whenever any expense of removing any nuisance or repairing the damage caused thereby cannot be recovered of the person causing such nuisance, such expense and costs of prosecution and damage shall be paid out of the city treasury as above, and it shall be the duty of the court before whom such prosecution is had to draw an order upon the city treasurer for said costs. Provided, that before removing any building or part of a building, or any fence, or wall as a nuisance, the street commissioner shall obtain the consent of the common council or of the committee on streets of said common council.

Proviso.

Disposal of ar-
ticles constitu-
ting nuisances.

SEC. 10. Whenever the street commissioner shall remove or cause to be removed from any street or public ground in the city, any nuisance of the character above described in sec. 8 of this by-law, and shall take the article constituting the nuisance in to his possession for safe keeping, it shall be his duty to give notice by advertising in one or more of the newspapers published in this city, for two weeks successively, that such articles (which articles are to be described in the notice,) will be sold at auction at the end of thirty days from the date of such advertisement, and if the owner of such articles shall not appear at or before the expiration of said thirty days, and pay the expense of removing and keeping such articles, and for the advertisements, the said commissioners shall sell such articles at auction, to the highest bidder, and from the amount received from such sale, he shall deduct the expenses of removing and keeping such articles, and of advertising and selling

the same, and the balance he shall deposit in the treasury of the city for the use of the owner of such articles, to be paid to him when he shall call for the same. Provided, that if the nuisance or articles removed shall not be of the value of five dollars and over, then the same shall not be advertised as above, but may be disposed of in such manner as the street commissioner may deem best, and the proceeds of the sale, if any, shall be deposited as above in the city treasury.

SEC. 11. Whenever any person, whether contractor or proprietor, shall have occasion under the permission or approval of the street commissioner as above, to deposit any building materials, or make any excavation or place any quantity of earth, or of gas or water pipe within the limits of any street or upon any of the public grounds of the city, and whenever any person or clerk or agent of such person, or any common carrier or truckman shall have occasion, by reason of inability to remove the same, to leave any goods, wares or merchandize or any other article within the limits of any street or public ground, during the night season, it shall be the duty of said person, to place and maintain during the said night season, suitable light, near where such articles are placed, so that they can be distinctly seen, which light shall be continued during the night season, as long as said articles remain to endanger the passing in the street, or public grounds, and any person who shall neglect the duty imposed by this section, shall forfeit and pay to the treasury of the city the sum of thirty four dollars, and any person who shall wilfully remove or extinguish any light when placed as above, shall forfeit and pay to the treasury of the city the sum of fifty dollars, which said penalties shall be recoverable before any court proper to try the same. Provided, that nothing herein contained shall be held to impair the requirements of the preceding sections of this chapter.

SEC. 12. The master or employer, or principal of any clerk, servant or agent, or the parent or guardian of any minor, shall be liable to pay the forfeiture or penalty incurred as above in consequence of a violation of the provisions of the preceding sections of this by-law by any such clerk, servant, agent or minor.

SEC. 13. If any person shall wilfully or negligently ride, lead or drive any cattle, horses, mules, whether the same be attached or not to any vehicle, upon or along any portion of any street used as a side-walk, except for the necessary purpose of crossing such side-walk to enter or leave the adjacent ground, the said person shall pay one dollar to the treasury of the city for each offense. If any persons shall wilfully or negligently break down or injure any post or tree standing in a proper position between the side-walk and cart-way, or side drain of any street, or destroy any railing placed in such proper position, or shall injure or destroy any lamp post or lamp, or gas fixture, whether public or private, the person so offending shall forfeit and pay to the city treasury a sum not exceeding ten dollars nor less than one dollar, and to the party or parties thus injured their just damages.

Articles of the value of \$5 and less, how disposed of.

Building materials, merchandise, &c. not to be deposited in the streets without lights.

Penalty for removing said lights.

Proviso. Minors.

Driving of horses, &c. on side-walks.

Injuring trees, &c.

Minors, &c. SEC. 14. If any minor, apprentice, or servant, shall be convicted of any breach or violation of the provisions of the last section, the parent, guardian, or master of such minor, apprentice or servant shall be liable to pay the forfeiture incurred by such violation, which forfeiture may be collected of any such parent, master, or guardian by action of debt.

Sidewalks to be kept clear of ice, &c. SEC. 15. It shall be the duty of every owner or occupant of any land within the limits of the city, at all times to keep the public side-walk adjoining or fronting such land, clear and free from all encumbrances and obstructions, and especially to keep it free and clear from snow, ice or sleet, and whenever any snow, ice or sleet shall fall on such side-walk, the said owner or occupant shall immediately remove the same so that the passing shall not be obstructed nor rendered dangerous or inconvenient, and on failure to remove such snow, ice or sleet from such side-walk at any time when thereto ordered by the street commissioner, or the chairman of the street committee of the common council, and within the time limited, such owner or occupant shall forfeit and pay to the city treasury the sum of two dollars, to be sued for and recovered by action of debt before any court in the city proper to try the same. In case of the neglect of any such owner or occupant to remove such snow, ice or sleet from such side-walk when thereto ordered and within the time limited in said order, it shall be the duty of the street commissioner to cause the same to be removed forthwith, and the expense thereof shall be recovered of such delinquent owner or occupant in any proper action before any court in said city proper to hear and try the same. If such expenses and cost of suit for the same cannot be recovered of said owner or occupant, the same shall be paid out of the city treasury.

Penalty.

In case of neglect of owners, &c. to remove ice, &c.

Haywards. SEC. 16. The common council shall, at their annual meeting, appoint a number of persons not exceeding ten, to act as haywards, and to serve for the year ensuing or until discharged, or others are chosen in their places. The said common council shall also provide one or more pounds suitably constructed and located, and maintain the same in good condition, and shall, at their annual meeting, appoint a pound-keeper to each pound, to serve for the ensuing year or until discharged or others are chosen in their stead. The haywards, before entering upon the duties of their office, shall take the oath prescribed for town haywards, and the said oaths shall be recorded in the city records.

Pounds and pound-keepers.

Haywards to be sworn. SEC. 17. No cattle, horses, mules, swine, sheep, goats, geese, ducks, turkeys, rabbits or poultry shall be allowed to go at large in any of the streets or public grounds of the city, and if any such animals shall be found going at large in said streets or public grounds, or estray elsewhere within the limits of the city, it shall be the duty of the haywards, and it shall be lawful for any other person, to impound such animals in any pound in the city and the owner of such animals shall pay the expense of keeping them in such pound, and shall also pay in addition thereto, before any such animals are released from said pound, the sum of fifty cents for each

Cattle &c. not to go at large in the city.

Impounding of cattle &c. found going at large.

head of cattle and for every horse, mule, swine or goat, and sixteen cents for each sheep, and ten cents for each goose, duck, turkey or rabbit, and six cents for each head of poultry, three-fourths of which said sums shall be paid to the impounder, and the remaining one-fourth to the pound-keeper. If the said cattle, horses, mules, swine or goats or sheep are not taken from the pound within ten days, and the geese, ducks, turkeys, rabbits and poultry within three days from the time of their being impounded, then the said pound-keeper may sell the said animals at public auction at said pound to the highest bidder, after first giving written notice of such sale by posting upon the public sign-post of the city six days before selling the said cattle, horses, mules, swine or sheep, and three days before selling the other animals named, the animals to be particularly described in the said notice. The said pound-keeper in addition to his fees for impounding and expenses of keeping said animals, shall be further entitled to receive from the proceeds of the sale thereof, an amount equal to that which the hayward is entitled as specified above for impounding the same, and shall from such proceeds pay to the hayward or other person impounding said animals, his fees for impounding the same; and the remainder of the proceeds, if any, the said pound-keeper shall pay to the owner of such animals, if demanded within one month from the time of sale, and if not so demanded, then said remainder shall be paid by said pound-keeper into the treasury of the city; and each pound-keeper shall, on demand of the mayor or city treasurer, at any time, give to said officers a statement of moneys received by him and expenses paid by him in the performance of the duties of his office, and in particular he shall make report in writing some time during the week preceding the annual election of city officers, of his doings and of moneys received and expended as aforesaid, for the year preceding, which report shall be made to the common council, and if the proceeds of the sale of animals shall not be sufficient to cover the fees and expenses of impounding, keeping, and selling the same, the difference or deficiency shall be allowed and paid to said pound-keeper from the city treasury.

May be sold, if not taken from pound in a given time.

Expenses.

Pound-keepers statement and report.

SEC. 18. Upon the replevin of any animals impounded as above or other dispute in law arising thereon when the hayward or other person, impounding the same, has under oath declared the place from whence he took such animals, judgment shall be rendered against the owner or claimant of such animals to pay just damages and cost, unless said owner can show to the satisfaction of the court or justice that the said animals were not found estray, or going at large in the streets of the city.

Evidence, in replevin.

SEC. 19. If any person shall rescue or shall assist in so doing, or shall make the attempt to rescue any animals as aforesaid out of the hands or custody of any person going to pound therewith, or shall in any manner resist him therein, or shall by any means convey said animals out of the pound or custody of the law contrary to the tenor of this act, the person so offending shall for every such rescue or resistance pay a penalty of seven dollars,

Rescue.

to the impounder, and in addition thereto shall pay all damage to the pound or otherwise, caused in consequence, and a further amount, if by reason of such rescue the said animals are not impounded, equal to the fees and charges &c, as above prescribed to the impounder and pound-keeper, to redeem the same from the pound when impounded.

Hackman and
common carriers.

Sec. 20. The common council may make such order in relation to the hackmen and common carriers of the city, and the vehicles used by them and their charges, as they may deem proper, consistent with the city charter, and if any person who is a hackmen or common carrier shall violate any such order or regulation, he shall forfeit and pay for each offense into the city treasury the sum of five dollars.

Racing.

Sec. 21. Trials of speed with horses or mules, and riding or driving of the same at a furious rate in the streets of the city is hereby prohibited, and any person offending herein shall forfeit and pay the sum of five dollars for each offense. Any person who shall leave any horse or mule in any street of the city unfastened or not securely and properly fastened, shall forfeit and pay the sum of one dollar, to the treasury of the city.

Horses not to
be left unfastened.

Union park and
Washington
square.

Sec. 22. It shall be the duty of the common council to maintain a suitable enclosure or fence around Union Park and it shall be their duty also, to maintain a suitable enclosure or fence around Washington square, whenever the same shall be ordered to be built by the city. The said fence or enclosure to be far enough from the side lines of said square for a street to surround the same, and the said square may be divided into two or three parts by one or two streets crossing the same, as the common council shall direct, and trees shall be planted at suitable points in said square and the walks laid out as the common council shall direct; and it shall be the duty of the street commissioner to attend to the keeping and maintenance of such walks on all the public grounds, in suitable condition for public use, and it shall be his duty also in working and repairing the streets around Washington square to see that the same are worked at the proper distance from the out-lines of such square.

BY-LAW VI.

HEALTH.

Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Free-men of the City of Middletown :

SEC. 1. The common council shall in conformity with the city charter be a board of health for the city, and shall appoint from their number a health committee, whose duty it shall be to see that

the laws of the state and by-laws and ordinances of the city in regard to the preservation of the health of its citizens are duly and properly enforced. Health committee.

SEC. 2. If any person shall deposit at any place within the limits of the city and permit the same to remain for a longer period than twenty-four hours, any filthy, putrid or unhealthy substance in a situation where the health of the citizens is liable to be impaired or be endangered thereby, such person so offending shall forfeit and pay into the treasury of the city the sum of three dollars for such offense, and one dollar additional for every day the said substance shall be suffered to remain unmoved from within the limits of the city, after notice given to remove the same by the health committee or by the street commissioner. Filthy substances.

SEC. 3. No person shall keep any swine, in any sty or enclosure within five rods of any street or highway, or any dwelling house, store or shop, other than his own within the limit of the city, on penalty of three dollars for each offense, and one dollar additional for each week the said offense shall be continued after notice to abate the same from the health committee. Swine.

SEC. 4. It shall be the duty of the health committee to cause all substances which shall be deemed injurious to the health of the citizens to be removed, and all filthy places which may be in like manner deemed injurious, to be cleansed and purified, and if any putrid, filthy or unhealthy substance injurious to health, shall be found upon land owned or occupied by any person in the street in front of land so owned or occupied, and if there shall be any filthy place on such land, injurious to health, the said health committee, shall notify, in writing such owner and occupant to remove or cleanse the same; and if not so removed or cleansed within the time to be specified in the notice or order, it shall be the duty of the health committee to cause the same to be removed or cleansed, and the expense of such removal or cleansing shall be paid by such owner or occupant, and he shall forfeit and pay in addition thereto two dollars for each day's neglect to comply with the order of said health committee, and on a refusal of such owner or occupant to pay such expense, the same shall be recovered of such owner or occupant by action of debt. Removal of substances injurious to health and cleansing of filthy places, &c.

SEC. 5 All substances and all places within the limits of the city, from which a noxious, pestilential or offensive effluvia is emitted shall be removed, cleansed or purified, by the owner or occupant, of such substances or places, in such manner as the health committee shall direct, and if any person who shall be the owner or occupant of such substance or place, or who shall be instrumental in causing such effluvia, shall refuse or neglect to remove or cleanse the same when ordered so to do by the health committee or the major part of them for two days after being so directed, it shall be the duty of the said health committee to proceed in regard to such person as prescribed in the last section, and such person shall forfeit and pay the penalty prescribed in the said last section for his refusal or neglect. Proceedings.

Expense.

Noxious effluvia.

Slaughter houses. SEC. 6. No person shall erect or cause to be erected, or shall convert, use, hire or lease, or cause to be converted, used, hired or leased, any building or part of a building within the limits of the city, for the purpose of a slaughter-house, and any person guilty of a violation of this law shall forfeit and pay to the city treasury the sum of fifty dollars, and the further sum of ten dollars for every week the said building or part of a building shall continue to be used by such person as a slaughter-house after notice given to remove the same by the health committee or the common council.

Dressing of fish &c or offering them for sale. SEC. 7. No person shall dress or clean any fish or desposit or expose for sale, or for any other purpose any fish, clams, oysters, lobsters or any animal or vegetable substance of a character to incommode, annoy or offend the citizens of the city, within the limits of any street or of any of the public grounds, unless by virtue of a written license previously obtained of the common council, and any person guilty of violating this law shall, on notice from the health committee or street commissioner, forthwith desist therefrom, and on refusing or neglecting so to do, shall forfeit and pay the sum of five dollars to the city treasury, and in addition thereto shall pay all charges and costs of removing the same by the said health committee or street commissioner, who are hereby authorized to effect such removal; and if such person so offending as above, shall immediately or soon after repeat or permit, or cause to be repeated or permitted the said offense, in the same or any other equally improper place within the limits of any street or public ground of the city, such person shall forfeit and pay into the city treasury the further sum of ten dollars.

Penalty.

The sale of articles for food or drink, injurious to health prohibited. SEC. 8. The selling or offering for sale within the limits of the city, any substance for food not in a wholesome condition, or containing poisonous ingredients, or ingredients calculated to induce disease or injury to health, or the selling or offering for sale within said limits, any drink or beverage of an unwholesome kind or containing ingredients of a poisonous character and injurious or prejudicial to health, is hereby strictly prohibited, and any person who shall be found guilty of violating this law, shall forfeit and pay into the city treasury the sum of twenty dollars, and any person who shall after having been thus convicted, repeat or cause to be repeated a further violation of said law, shall forfeit and pay into the city treasury the sum of fifty dollars for each repetition.

Penalty.

Protection of water. SEC. 9. No person shall put into any spring, or well, or into any stream within the limits of the city, the water in which is used as a beverage or for washing or bathing, any substance or ingredient which shall render such water unsafe or unfit for such purposes, and any person guilty of violating this law, who shall not desist from such violation after being notified so to do by the health committee, shall forfeit and pay into the city treasury the sum of ten dollars, and five dollars for every week the said offense shall be continued after receiving notice to desist as aforesaid.

SEC. 10. No dead body of any person shall be interred within the limits of the city except in some public burial ground specially

set apart for the purpose, it is also forbidden to expose for an un-^{Burial of the dead.}reasonable time before interment the dead body of any person whose death has been caused by any contagious disease or to inter the same within the limits of the city, unless said body is placed in the earth at least five feet below the surface, on level ground and deeper in proportion as the surface of the ground is more inclined and for each body of any person unreasonably exposed as above or interred contrary to this law the person or persons so interring shall forfeit and pay the sum of one hundred dollars, together with the expense of reintering said body in a proper place and manner as directed by the health committee.

SEC. 11. It shall be the duty of the common council to keep in serviceable condition at the expense of the city, two hearses, to be placed in the care of such persons to be called hearse-masters as they may deem proper, the said hearses not to be used in conveying bodies other than those who while living were residents of the city,^{Hearses and hearse masters.} unless by permission given in writing by the chairman of the health committee, and any person violating this law shall forfeit and pay into the city treasury the sum of ten dollars for each offense, and any person who shall be guilty of mutilating or injuring in any way any hearse or its appendages shall forfeit and pay the sum of twenty dollars, and shall in addition thereto pay all damage or expense of repairing the same.

SEC. 12. If any minor, apprentice, servant or agent, shall be found guilty of a violation of any of the provisions of this by-law, the parent or guardian, master, or principal of such minor, apprentice, servant or agent shall pay into the city treasury the penalty^{Minors, &c.} or penalties affixed to such violation, to be recovered by action of debt.

BY-LAW VII.

REPEAL OF FORMER BY-LAWS.

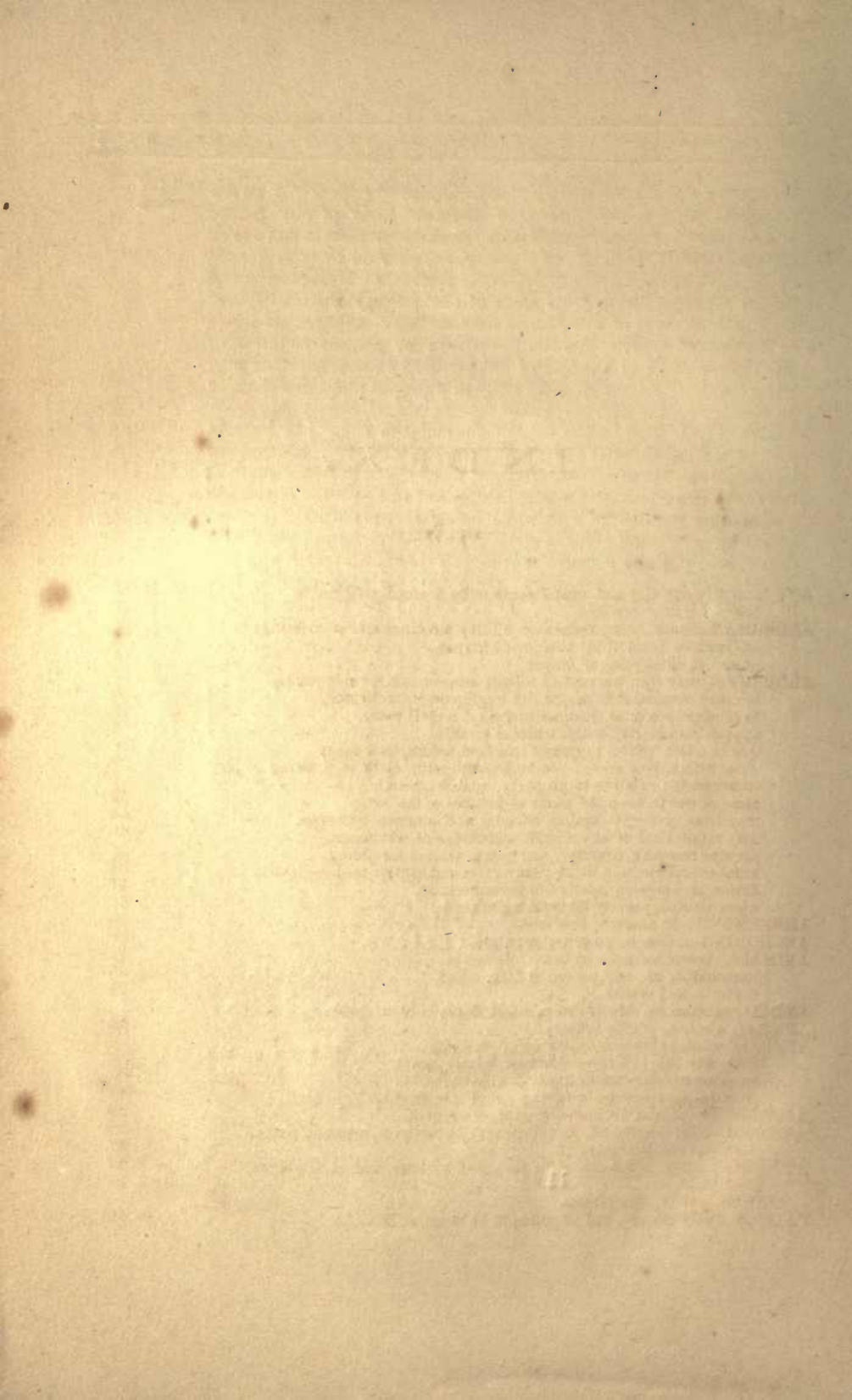
Enacted Sept. 28.

1857.

Approved Oct. 13.

Be it ordained by the Mayor, Aldermen, Councilmen and Free-men of the City of Middletown :

That all by-laws of the city of Middletown, in force on the first day of September, A. D., one thousand eight hundred and fifty seven, be and the same are hereby repealed.



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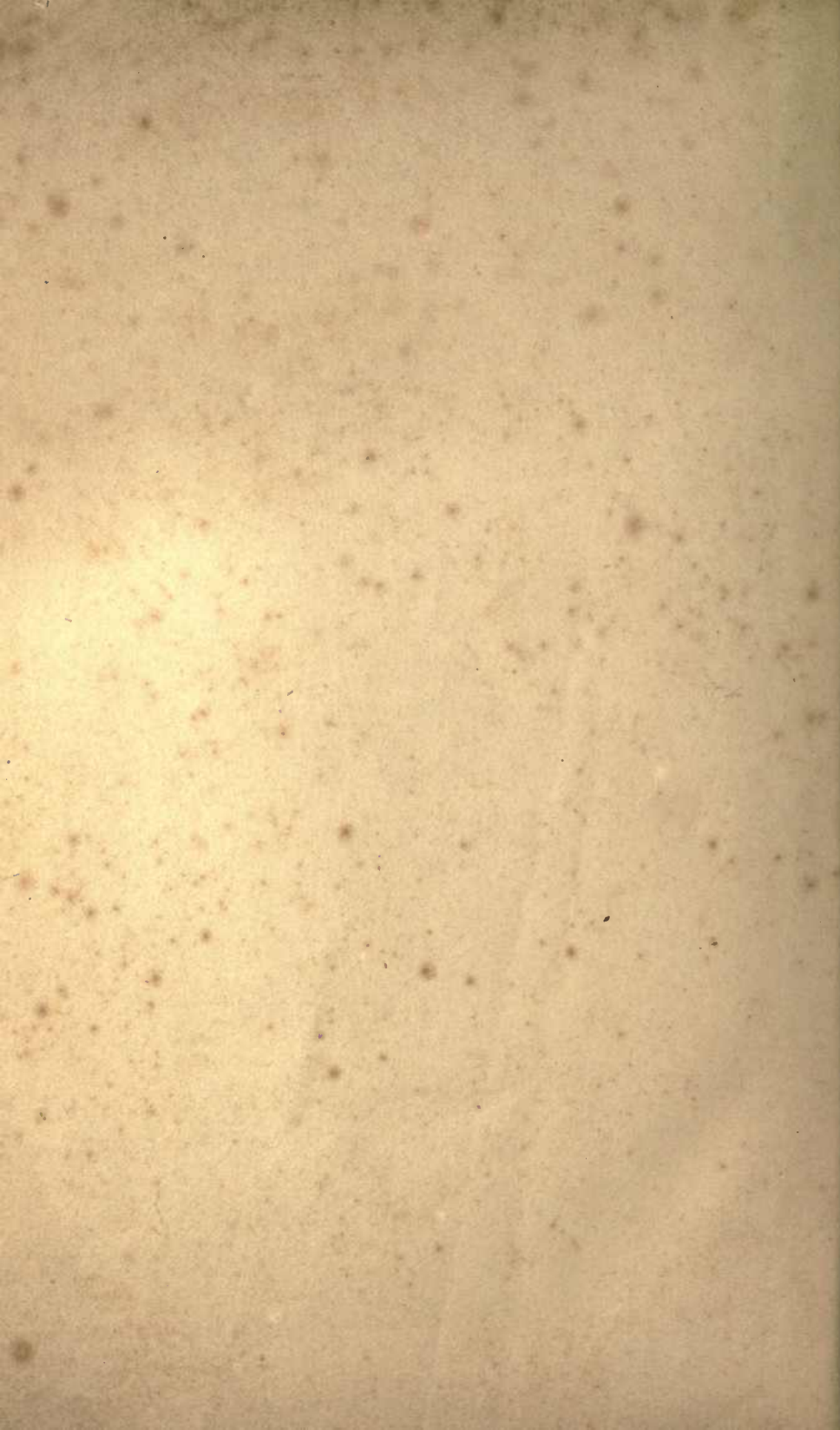
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ERRATA.

- Page 4. sec. 3, 10th line, insert (a) after the word *same*.
- Page 10, last line, for "admistered" read "*administered*."
- Page 12, 21st line, insert "(a)" after "dollars," and in margin opposite insert, "(a) see sec. 4, act 1856."
- Page 15, 8th line from bottom, for "empowed" read *empowered*.
- Page 20, 19th line from bottom, for "harlth" read *health*.
- Page 22, 2d line, for "Middietown" read *Middletown*.
- Page 26, insert in margin against 4th section the word *quorum*.
- Page 29, 11th line from bottom, for "upon" read *beyond*.
- Page 32, add at bottom [accepted by the city of Middletown, Jan. 14th, 1857, and the acceptance recorded in the office of the Secretary of State.]
- Pages 34 to 43, for "charter" at head of page, read *general acts*.
- Page 34, 3d line, for "compiation" read *compilation*.
- Page 35, sec. 105, 4th line, omit all except the word *for*.
- Page 37, substitute *and* for *or* in marginal note against 2d section.
- Page 37, 12th line from bottom, for "1955" read 1855.
- Page 47, 2d line, for "devise" read *device*.
- Page 48, 5th line 5th section, insert after "of" the word *the*.
- Page 49, last line, for "distinctively" read *distinctly*.
- Page 54, 17th line from bottom, for "to the" read, *to each of the*.
- Page 55, 25th line, after the word "or" insert *fire apparatus, or if he*.
- Page 59, insert at beginning of 23d line, *if damage be done*.
- Page 64, 4th paragraph, for "westerly" read *northerly*.
- Page 63, 5th paragraph, for "plain" read *plane*.
- Page 66, 3d line, after the word "council" insert *r*.
- Page 66, 4th line from bottom, for "commissioners" read *commissioner*.
- Page 66, bottom line, for "sellngi" read *selling*.
- Page 67, 20th line, for "suitable" read *a suitable*.
- Page 68, put "haywards to be sworn" in margin opposite sec. 16.
- Page 70, sec 20, 4th line, for "hackmen" read *hackman*.
- Page 72, 14th line from bottom, for "repeated" read *be repeated*.
- Page 80, Index, 14th line, "guardians, &c." add page 67, 68, 73.
- Page 81, do. 16th do. "masters, &c." do page 67, 68.
- Page 72. do. 1st do. "minors, &c." do page 67.
- Page 85. do. 33d line, for "river" read *Vine*.





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